JOURNAL

OF THE

House of Representatives

OF THE

STATE OF ALABAMA

REGULAR SESSION

OF 1986

HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, JANUARY 14, 1986

Vol. 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA
REGULAR SESSION
OF 1986

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, January 14, 1986

JOURNAL

of the House of Representatives of the State of Alabama of the Regular Session of 1986, begun and held at the State House in the City of Montgomery, State of Alabama, on the second Tuesday in January, 1986, being the fourteenth day of the month in the Year of our Lord, One Thousand Nine Hundred and Eighty-six, at 12 o'clock, M., on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, was called to order by Honorable Tom Drake, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Dr. Lewis Marler, Pastor, Mt. Philadelphia Baptist Church, Cordova, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Goodwin, Moore and Turner.

Also:

By Rep. Johnson (Roy):

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:00 P.M. on Jan. 14, 1986, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Reed, White (F) and Rains.

Also:

By Rep. Johnson (Roy):

H. J. R. 4. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, January 14, 1986, that we adjourn to meet again on Thursday, January 16th, 1986.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 5. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, January 14, 1986, that we adjourn to meet again on Thursday, January 16, 1986, at 9:00 A.M.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 5, was adopted.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced, severally read one time, and formally referred to the same committees, as follow:

By Rep. Beers:

H. 1. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years old to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Committee on State Administration.

By Rep. Carothers:

H. 2. To re-open the Retirement Systems of Alabama in order to allow active and contributing members and former such members with vested retirement benefits to claim and purchase credit for military service and to provide for its termination.

Committee on Ways and Means.

By Rep. White (F):

H. 3. To provide that circuit court may be held at correctional institutions operated by the State Department of Corrections in certain proceedings filed by or on behalf of prisoners; to provide that the State Department of Corrections shall furnish necessary facilities and security for the court in such instances; to provide for an election on such provisions by the qualified voters in those counties which have or will have correctional institutions, operated by the State Department of Corrections, as required by Amendment 81 to the Alabama Constitution; and to provide an effective date.

Committee on Judiciary.

By Rep. White (F):

H. 4. To amend Sections 15-18-80, 15-18-81, 15-18-82, 15-18-83, and 15-18-84, Code of Alabama 1975, relating to the execution of death sentences

by the state penal system; to delete specific references to Holman prison in procedures for the execution of death sentences; and to convey authority to the Commissioner of the Department of Corrections to designate locations for procedures for the execution of death sentences.

Committee on Judiciary.

By Rep. White (F):

H. 5. To amend Section 14-1-14, Code of Alabama 1975, relating to the Corrections revolving fund, so as to increase said fund.

Committee on Ways and Means.

By Rep. Pratt:

H. 6. To prohibit persons without a proper decal from parking a motor vehicle in certain handicapped parking places and to provide fines for violating the provisions of this act; and to provide that certain law enforcement officers may go onto private property to enforce the provisions of this act.

Committee on State Administration.

By Rep. Pratt:

H. 7. To authorize the department of revenue to pay $1200.00 annually to certain appraisers, mappers and Alabama certified tax administrators who receive professional recognition as an Alabama Certified Appraiser, Alabama Certified Mapper and Alabama Certified Tax Administrator, such payments to be made from appropriations made to the department of revenue.

Committee on Ways and Means.

By Rep. Turner:

H. 8. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years old to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Committee on State Administration.

By Rep. Fuller:

H. 9. Authorizing and empowering certain independent service districts to contract with each other for collection of service charges imposed by either service district on a common subscriber and authorizing such collecting district to terminate its service for failure to pay charges lawfully due to the non-collecting district.

Committee on Local Government.

By Rep. Ford:

H. 10. To provide a conditional appropriation of four million dollars from the State General Fund to Cherokee County, DeKalb County and Etowah County to repair flood and weather-related damage to the bridges, roads and streets of said counties and to provide for distribution of said funds.

Committee on Ways and Means.

By Rep. Holmes:

H. 11. To establish the Alabama Bureau of State Non-racing Lotteries and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; for purposes of the general fund, special educational trust fund, medicaid and as needed for a public works program to make an initial appropriation from the general fund of the state treasury, in the form of a loan, to the bureau of state lotteries for implementing the provisions of this act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require contracts be made pursuant to the public bid laws; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; to prescribe penalties for certain violations and crimes; and to specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future constitutional amendment or statute authorizing dog racing, horse racing or charitable bingo.

Committee on Ways and Means.

By Rep. Moore:

H. 12. Proposing an amendment to the Constitution of Alabama of 1901 relating to Shelby County so as to prohibit annexation of territory within Shelby County by out of county municipalities without a vote of the people of Shelby County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hooper:

H. 13. Relating to civil procedure in this state, to provide for a cause of action for frivolous civil lawsuits, to provide for a response in the answer or a counterclaim by a defendant; and to require the jury to determine if a lawsuit is frivolous or groundless.

Committee on Judiciary.

By Rep. Hooper:

H. 14. Relating to civil procedure in Alabama trial courts, to abolish the scintilla evidence rule with regard to Rule 50 of Alabama Rules of Civil

Procedure on motions for directed verdict and judgment notwithstanding the verdict by the court; and to require a substantial amount of evidence in order to allow a cause of action to go to a jury if such motions are reversed or denied.

Committee on Judiciary.

By Rep. Martin:

H. 15. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings and to provide for retroactive effect.

Committee on Local Government.

By Rep. Pratt:

H. 16. To amend Section 15-10-2, Code of Alabama 1975, which relates to when an officer may execute arrest warrants and his authority to break and enter a dwelling, so as to provide that when an officer executes the warrant, he must make it known under what authority he is doing so.

Committee on Judiciary.

By Rep. Browder:

H. 17. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

Committee on State Administration.

By Rep. Beers:

H. 18. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years old, or any mentally incompetent person, regardless of age, under the guardianship of another, to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Committee on State Administration.

By Rep. Bugg (With Notice and Proof):

H. 19. To authorize the Etowah County Board of Health to designate the services rendered by the Etowah County Health Department for which a reasonable fee may be charged and to set and collect fees for each service.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake:

H. 20. To provide further for warranties on new motor vehicles and to provide for refunds for failure to conform to said warranties.

Committee on State Administration.

By Rep. Rains:

H. 21. To require all applicants for a marriage license to be tested for acquired immune deficiency syndrome (A. I. D. S.) before obtaining such license; to provide for exceptions for emergency causes as defined from time to time by the state board of health; and to provide for payment for such tests by the applicants for said license.

Committee on Health.

By Rep. Fuller:

H. 22. Authorizing and empowering certain independent service districts to contract with each other for collection of service charges imposed by either service district on a common subscriber and authorizing such collecting district to terminate its service for failure to pay charges lawfully due to the non-collecting district.

Committee on Local Government.

By Rep. Coburn:

H. 23. To make the use of gill, trammel, or similar nets in the public streams and impoundments of the State of Alabama above Highway 278 illegal.

Committee on Natural Resources.

By Rep. Albright:

H. 24. To repeal Section 8-1-81, Code of Alabama 1975, which provides for sales of pledges by pawnbrokers at public auction after 10 days' notice.

Committee on State Administration.

By Rep. Albright:

H. 25. Relating to prisons and prisoners; providing for the quarantining of certain inmates who have been diagnosed as carriers of the virus known as "AIDS."

Committee on Health.

By Rep. Albright:

H. 26. To amend Section 40-12-244, Code of Alabama 1975, relating to license taxes and registration fees, so as to alter the requirements for certain exemptions.

Committee on Military Affairs.

By Rep. Faulk (With Notice and Proof):

H. 27. Relating to Butler County; abolishing the office of constable in such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 27, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bugg:

H. 28. To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to provide for notice of meetings and to increase the penalties for violations.

Committee on State Administration.

By Rep. Box:

H. 29. To provide for the "Alabama Safety Belt Use Act of 1986"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Committee on Highway Safety.

By Rep. Zoghby:

H. 30. To regulate certain activities relating to possession of and transactions in drug paraphernalia; to define certain terms relating to such paraphernalia; to make it unlawful to engage in certain activities relating to such paraphernalia; to prescribe criminal penalties for such unlawful acts; to prescribe forfeiture for contraband; and to repeal and supersede those provisions of Chapter 2, Title 20 of the Code of Alabama which heretofore regulated "drug related objects."

Committee on Judiciary.

By Rep. Starr:

H. 31. To amend Section 40-18-19, Code of Alabama 1975, which provides for certain exemptions from income taxation, so as to include retirement income of county and municipal employees within the exemptions.

Committee on Ways and Means.

By Rep. Starr:

H. 32. To further amend Section 40-23-5, Code of Alabama 1975, as last amended, relating to exemptions from sales and use taxes, so as to include certain other fraternal, religious and charitable organizations.

Committee on Ways and Means.

By Rep. Fuller:

H. 33. To amend further Section 40-23-5 of the Code of Alabama 1975 so as to exempt the George H. Lanier Memorial Hospital and Nursing Home in Chambers County from payment of state, county or municipal sales or use taxes.

Committee on Ways and Means.

By Rep. White (L) (With Notice and Proof):

H. 34. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 34, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman, Newman, Junkins, and Starr:

H. 35. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Committee on Ways and Means.

By Rep. Box:

H. 36. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

Committee on Judiciary.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Smith:

H. 37. To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

Committee on State Administration.

By Rep. Biddle:

H. 38. To authorize marine police officers to give breath tests to any person operating a motorboat upon the waterways within the jurisdiction of the State of Alabama to determine whether such person is under the influence of intoxicating liquor and to provide penalties.

Committee on Health.

By Rep. Biddle:

H. 39. To provide circumstances when a person shall be guilty of committing the crime of submitting a false or fraudulent application for a certificate of qualification or license to practice medicine; to provide that any person guilty of the crime of submitting a false or fraudulent application shall be guilty of a Class C felony; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Judiciary.

By Rep. Biddle:

H. 40. Requiring physicians who treat or examine any person having, or suspected of having the illness known as Acquired Immune Deficiency Syndrome (AIDS) to report such illness to the state health officer.

Committee on Health.

By Rep. White (L):

H. 41. To amend Section 13A-7-6 of the Code of Alabama 1975 relating to the crime of burglary in the second degree where the entry of a dwelling-house is involved, so as to remove the requirement that such house be lawfully occupied.

Committee on Judiciary.

By Rep. White (L):

H. 42. To amend section 32-5-240 of the Code of Alabama 1975 relating to required lighting equipment of vehicles so as to require that such equipment be put in operation during periods when rain, mist or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists.

Committee on Highway Safety.

By Rep. White (L):

H. 43. To amend Section 27-19-38, Code of Alabama 1975, which provides for dependent coverage of newly born children in health insurance policies issued by nonprofit service corporations, so as to provide that all health insurance contracts issued by insurance companies doing business in this state shall provide coverage for such newly born children.

Committee on Insurance.

By Rep. White (L):

H. 44. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance

group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

Committee on Local Government.

By Rep. White (L):

H. 45. To amend Section 32-6-231 of the Code of Alabama 1975 relating to parking decals for handicapped persons, so as to provide further for such decals for certain vehicles used primarily to accommodate such persons in obtaining such decals.

Committee on Highway Safety.

By Rep. White (L):

H. 46. To amend Section 9-11-140, Code of Alabama 1975, as last amended, relating to use of commercial fishing gear in public impounded waters and navigable streams, so as to provide that it shall be unlawful for any person to use more than four (4) slat boxes at any one time.

Committee on Natural Resources.

By Rep. White (L):

H. 47. To amend Section 32-6-150, Code of Alabama 1975, as amended by Act No. 85-411, H. 87, 1985 Regular Session, which provides for the issuance of personalized motor vehicle license plates, so as to provide for issuance of plates by four-year institutions of higher learning.

Committee on Ways and Means.

By Rep. White (L):

H. 48. To amend Section 34-23-51, Code of Alabama 1975, which provides for licensing and examinations of pharmacists, so as to provide further for the examinations of applicants for the profession.

Committee on Health.

By Reps. Starkey, Clark (J), Harvey, Adams, and Moore:

H. 49. To create and provide for a developmental highway system; to make certain appropriations to the state highway department for such system from the state general fund based upon the amounts of income from the investment of certain moneys derived by the state from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals and to authorize and empower the state highway department to develop and administer such system.

Committee on Ways and Means.

By Reps. Goodwin, Starkey, and Clark (D) (With Notice and Proof):

H. 50. Relating to Lauderdale County; to extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 50, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey, Britnell, Drake, Sasser, and Smith:

H. 51. To amend Section 40-17-220, Code of Alabama, 1975, as amended, relating to the levy of the $.04 per gallon excise tax on gasoline, motor fuel, and lubricating oil to exempt from said excise tax all gasoline, motor fuel, and lubricating oil purchased by schools privately owned and operated located in the State of Alabama for use in school buses owned by them and used exclusively to transport students.

Committee on Ways and Means.

By Rep. Tanner:

H. 52. To provide for a period of voluntary silence in public schools.

Committee on Judiciary.

By Rep. Tanner:

H. 53. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Shelby County and having its city hall or municipal headquarters located outside of the boundaries of Shelby County from annexing any future territory in Shelby County without prior referendum approval of a majority of the qualified electors of Shelby County; and providing for such referendum elections.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Tanner:

H. 54. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Shelby County and having its city hall or municipal headquarters located outside of the boundaries of Shelby County from annexing any future territory in Shelby County without prior referendum approval of a majority of the qualified electors of Shelby County; and providing for such referendum elections.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Tanner:

H. 55. Proposing an amendment to the Constitution of Alabama of 1901 relating to Shelby County so as to prohibit annexation of territory within Shelby County by out of county municipalities without a vote of the people of Shelby County.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Tanner:

H. 56. Prohibiting any incorporated municipality from crossing a county boundary line for the purpose of annexing territory without referendum approval by the qualified electors of the county wherein such territory to be annexed is located and limiting the frequency of such annexation elections.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Holley:

H. 57. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

Committee on Ways and Means.

By Rep. Holley:

H. 58. To amend Section 16-23-4, Code of Alabama, 1975, to increase the applicant fee paid for a teaching certificate from $10.00 to $20.00 and to establish a fee for a substitute teaching certificate.

Committee on Ways and Means.

By Rep. Holley:

H. 59. To amend Act No. 85-123 of the First Special Session, 1985, to provide clarifications as to how funds appropriated to the State Soil and Water Conservation Development Commission may be expended.

Committee on Ways and Means.

By Reps. Johnson (Roy), Holley, Campbell, Coleman, Sasser, Hooper, Brooks, Rains, Blakeney, Albright, Richardson, Marietta, Box, Mitchell, Dutton, Warren, and Tanner:

H. 60. To amend section 40-18-20, Code of Alabama 1975, so as to provide that the retirement income of military personnel shall be exempt from state, county, and municipal income taxes.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 61. To provide for the establishment of housing finance authorities by Class 6 municipalities in the State so as to permit such an authority to assist in the construction of apartment buildings and other structures for multi-family housing, and incidental construction, by the issuance of the authority's bonds and the authority's lending the proceeds of the issue to persons desiring to construct such buildings, or the authority constructing such buildings and leasing the same at rents adequate to retire the bonds, which lease may include an option of the lessee to purchase the facilities at a nominal consideration; to authorize the formation of an authority and the appointment of directors thereto; to provide for the procedure to amend the certificate of incorporation of an authority; to provide rules respecting the officers of an authority; to provide for the powers and methods of operation of facilities of an authority; to prescribe a procedure and restrictions

on the issuance of bonds and notes of an authority; to provide a procedure for the securing and giving collateral of such bonds and notes; to provide a method of validating the proceedings for issuance of bonds; to provide a method of issuing refunding bonds and notes; to permit the state, counties, municipalities, and other public subdivisions of the state and private companies to invest in such bonds and notes as legal investments; to provide for the establishment of special debt service reserve funds; to provide for the disposition of net earnings of an authority; to authorize counties, municipalities, and other public subdivisions and agencies to assist an authority in the performing of its functions; to authorize and provide a procedure for the dissolution of an authority; and to exempt an authority from certain taxations, licenses, and other fees, and authorize an authority to extend further exemptions with the concurrence of the municipality creating an authority; to exempt the bonds and notes of an authority from usury and interest loss; to exempt an authority from competitive bid laws; and to provide rules for the interpretation and construction of this Bill.

Committee on Local Government.

By Rep. Johnson (Roy):

H. 62. To provide for criminal penalties and civil liability for the theft of certain cable television services, and to provide for the confiscation of certain equipment used in the theft of any such cable television services.

Committee on Judiciary.

By Rep. Johnson (Roy):

H. 63. To amend the title and section 1 of Act No. 79-611 H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Committee on Ways and Means.

By Reps. Johnson (Roy) and Smith:

H. 64. To provide longevity pay for certain employees of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 65. To amend Section 11-51-91, Code of Alabama, 1975, so as to clarify the meaning of said Section; to require a liberal construction of the meaning of said Section.

Committee on Local Government.

By Rep. Johnson (Roy):

H. 66. To provide for the establishment of housing finance authorities by Class 4 municipalities in the State so as to permit such an authority to assist in the construction of apartment buildings and other structures for multi-family housing, and incidental construction, by the issuance of the authority's bonds and the authority's lending the proceeds of the issue to

persons desiring to construct such buildings, or the authority constructing such buildings and leasing the same at rents adequate to retire the bonds, which lease may include an option of the lessee to purchase the facilities at a nominal consideration; to authorize the formation of an authority and the appointment of directors thereto; to provide for the procedure to amend the certificate of incorporation of an authority; to provide rules respecting the officers of an authority; to provide for the powers and methods of operation of facilities of an authority; to prescribe a procedure and restrictions on the issuance of bonds and notes of an authority; to provide a procedure for the securing and giving collateral of such bonds and notes; to provide a method of validating the proceedings for issuance of bonds; to provide a method of issuing refunding bonds and notes; to permit the state, counties, municipalities, and other public subdivisions of the state and private companies to invest in such bonds and notes as legal investments; to provide for the establishment of special debt service reserve funds; to provide for the disposition of net earnings of an authority; to authorize counties, municipalities, and other public subdivisions and agencies to assist an authority in the performing of its functions; to authorize and provide a procedure for the dissolution of an authority; and to exempt an authority from certain taxations, licenses, and other fees, and authorize an authority to extend further exemptions with the concurrence of the municipality creating an authority; to exempt the bonds and notes of an authority from usury and interest loss; to exempt an authority from competitive bid laws; and to provide rules for the interpretation and construction of this Bill.

Committee on Local Government.

By Rep. Johnson (Roy):

H. 67. To amend Section 36-27-6(a), Code of Alabama 1975, to permit the full-time employees and executive officers of the Alabama State Employees' Association and the Alabama Retired State Employees' Association to participate in the Employees' Retirement System of Alabama.

Committee on Ways and Means.

By Reps. Smith and Turnham:

H. 68. To repeal §2-31-2, which exempts persons who buy grain for cash at the time of purchase; and persons licensed as public warehouses; to amend §2-31-4, which provides bonding requirements for grain dealers so as to remove the waiver of bond for those persons licensed under the United States Department of Agriculture Warehouse Act; and to waive bonding requirements for grain dealers who pay cash for grain at the time of purchase.

Committee on Ways and Means.

By Rep. Holley:

H. 69. Relating to elections; to provide additional time for overseas Americans to make application for, receive and return absentee ballots; and for such purpose to amend Code of Alabama 1975, Sections 17-10-3, 17-10-5, 17-10-12, 17-10-13, 17-10-14, and 17-16-11; and to provide an effective date.

Committee on Constitution and Elections.

By Reps. Smith and Turnham:

H. 70. To amend Section 8-17-91, which provides for distribution of petroleum inspection fees: to provide that the State Treasurer shall make distribution of said fees.

Committee on Ways and Means.

By Reps. Biddle, Sasser, Clark (J), White (L), Johnson (RG), and Carothers:

H. 71. Relating to the practice of veterinary medicine and surgery in Alabama; to provide for the issuance, suspension, revocation and renewal of licenses for persons admitted to or engaged in the practice of veterinary medicine as a veterinarian or veterinary technician; to create the Alabama State Board of Veterinary Medicine to administer the act; to provide for its organization, officers, jurisdiction, powers and duties; to provide for certain inspections of facilities and the issuance of premise permits; to provide for hearings and appeals; to impose fees and charges and provide for the use of such; to prescribe penalties; and to repeal conflicting laws and to specifically repeal Sections 34-29-1 through 34-29-6, 34-29-20 through 34-29-23 and 34-29-40 through 34-29-46 of the Code of Alabama 1975.

Committee on Judiciary.

By Reps. Turner, Gaston, Kvalheim, and Zoghby:

H. 72. To amend §13A-6-3 of the Code of Alabama, 1975, to provide that manslaughter is a Class B felony.

Committee on Judiciary.

By Reps. Turner, Gaston, Kvalheim, Zoghby, and Marietta:

H. 73. To allow certified copies of case action summary or docket sheets or other court records to be admitted into evidence for the purpose of proving that a person that has been previously convicted of a crime.

Committee on Judiciary.

By Reps. Burke, Butler, and Lindsey:

H. 74. To establish certain regulations pertaining to public educational personnel records.

Committee on Education.

By Reps. Richardson, Junkins, Newman, Lindsey, Coleman, Browder, Crow, Parker, Lauderdale, Albright, Butler, Hall, Bowling, Bugg, Smith, and Burke:

H. 75. To amend Section 13A-6-21 of the Code of Alabama 1975, relating to assault in the second degree, so as to provide further for the elements of such criminal offense.

Committee on Judiciary.

By Reps. Marietta, Harper, Coleman, Rice, Hettinger, Kvalheim, Hooper, Turner, Gaston, Fuller, Clark (J), Zoghby, Carter, Mitchell, Penry, McMillan, White (L), and Seibels.

H. 76. Relating to all civil actions in tort, contract or otherwise against architects and engineers arising out of any defect or deficiency in the design,

planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or against builders who construct, or perform or manage construction of, an improvement on or to real property designed by and constructed under the supervision of an architect or engineer, arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this Act does not apply to causes of action which have accrued prior to its effective date; to provide that this Act does not create any cause of action against such architects or engineers or builders or any other persons; to define terms; and to repeal all conflicting laws.

Committee on Judiciary.

By Reps. Warren and Harvey:

H. 77. To create and establish a state forest industrial development board; to provide for the membership and meetings of such a board; to prescribe the responsibilities and functions for such board and to make appropriation from the state general fund for such board.

Committee on Ways and Means.

By Rep. Smith:

H. 78. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to $5.00 less than the regular per diem allowance fixed by the governor.

Committee on Ways and Means.

By Reps. Marietta and Box:

H. 79. To amend Section 22-50-9 of the Code of Alabama 1975, relating to the powers generally of the Department of Mental health and Mental Retardation so as to provide that the Department is not authorized to exercise custody and control of a person or persons not residing in a facility of the Department.

Committee on Judiciary.

By Rep. Marietta:

H. 80. To amend section 40-3-5, Code of Alabama 1975, relating to the prohibition of members of county boards of equalization holding other governmental positions, so as to allow those working under contract between the state or a state agency and a third party organization to be members.

Committee on Local Government.

By Reps. Marietta and Zoghby:

H. 81. To prohibit public and private motor vehicle carriers from transporting hazardous material through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

Committee on Health.

By Reps. Junkins, Browder, Lindsey, Newman, Harvey, Hall, and Lauderdale:

H. 82. To amend Sections 41-13-5 and 41-13-22 through 41-13-25 relating to the management of certain public records so as to provide further for such management to include such records of municipalities; and to create a local government records commission in lieu of a county records commission.

Committee on Local Government.

By Reps. Junkins, Browder, Lindsey, Newman, Harvey, Hall, and Lauderdale:

H. 83. To amend Sections 41-13-40 and 41-13-44 of the Code of Alabama 1975 relating to the management of certain public records so as to provide further for the photographing or microphotographing of such public records and for the quality control standards thereof.

Committee on Local Government.

By Reps. Moore, Junkins, Boles, Turner, Penry, Hammett, Dutton, Sasser, Turnham, Blake, Martin, Rains, Biddle, Reed, Clark (J), Mitchell, Tanner, and Goodwin:

H. 84. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the said board and to require that each congressional district be represented; to provide for filling vacancies and residential requirements.

Committee on Ways and Means.

By Rep. Browder:

H. 85. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of at least one-half of his accrued sick leave.

Committee on Ways and Means.

By Rep. Hettinger:

H. 86. To provide that support shall be ordered paid directly to the Department of Pensions and Security or its designee in cases which come within the requirements of Title IV-D of the Social Security Act, as amended; provides for the distribution of monies collected; provides for notice to the court of the location and address where monies shall be received; provides for contracting with a designated party; provides that the record of collections shall constitute the official payment record, and shall be prima facie evidence of the payment made by the obligor.

Committee on Public Welfare.

By Reps. Trammell and Boles:

H. 87. To amend Sections 25-8-4, 25-8-8, and 25-8-16, Code of Alabama, 1975, so as to bring Alabama's Child Labor statutes into agreement with existing Federal regulations pertaining to working hours of children under age sixteen and establishes additional specific working hours for certain children enrolled in school and also provides for exemptions to established work hours.

Committee on Judiciary.

By Rep. Browder:

H. 88. To amend Section 16-13-58, Code of Alabama 1975, which provides for the State Board of Education to determine the amount of funds needed by each county and city from the Minimum Program Fund, so as to provide that the full cost of the Minimum Program be paid.

Committee on Ways and Means.

By Reps. Trammell and Boles (With Notice and Proof):

H. 89. Relating to Jefferson County; prohibiting private ownership and operation of landfills for garbage dump purposes in the county.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 89, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman, Newman, Richardson, and Lindsey:

H. 90. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Committee on Natural Resources.

By Rep. Parker:

H. 91. To amend Section 38-2-2 of the Code of Alabama 1975 relating to the state board of pensions and security so as to further provide for the election of two state employees to the board.

Committee on State Administration.

By Rep. Parker:

H. 92. To provide an automatic pay increase for employees of the state who pass the Certified Professional Secretary examination; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Ways and Means.

By Rep. Coleman:

H. 93. To provide that mandated salary increases granted to employees of local boards of education, the Department of Youth Services School District and the Alabama Institute for Deaf and Blind shall go into effect the same month that the state appropriation on which the salary increases are based becomes effective.

Committee on Ways and Means.

By Rep. Cosby:

H. 94. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of county funds held or disbursed by the county governing body shall become

effective as to any county of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the county governing body of the county affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective county governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Mitchell and Clark (J):

H. 95. To provide that employees of the Alabama Film Commission shall be unclassified employees and to allow such employees to be covered as members of the state employees' retirement system and the state employees' health insurance plan, and to provide certain retroactive effect.

Committee on Ways and Means.

By Rep. Harvey:

H. 96. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Blount County and having its city hall or municipal headquarters located outside of the boundaries of Blount County from annexing any future territory in Blount County without prior referendum approval of a majority of the qualified electors living within the area to be annexed; and providing for such referendum elections.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Mitchell:

H. 97. To amend Section 40-9-19, Code of Alabama, 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

Committee on Ways and Means.

By Rep. Buskey (James):

H. 98. To prohibit the Retirement Systems of Alabama from investing their monies or funds in certain business entities which do business in or with South Africa or Namibia.

Committee on State Administration.

By Rep. Buskey (James) (With Notice and Proof):

H. 99. Relating to Class 2 municipalities; amending Act No. 85-229, 1985 Regular Session, as amended, which provides for a new form of city government, so as to provide further for number of votes necessary for council members to adopt a budget.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 99, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Buskey (James):

H. 100. To amend Sections 16-8-26, 16-8-26.1, and 21-1-22, Code of Alabama, 1975, so as to further provide for personal leave and to provide for the accumulation of personal leave days by teachers and support personnel.

Committee on Ways and Means.

By Rep. Albright:

H. 101. To insure the safety of presently existing and future dams and reservoirs in this state; to authorize the Alabama Emergency Management Agency to conduct safety inspections of certain dams in this state and to provide for the issuance of certificates of approval for the construction of new dams; to grant additional powers and authority to the Director of the Alabama Emergency Management Agency; to provide for appeals from final determination by the Director; to place certain restrictions upon the regulation or supervision of any dams or reservoirs by any individual or any county or municipal governing body; and to prescribe criminal and civil penalties.

Committee on Natural Resources.

By Rep. Buskey (James):

H. 102. To provide that employees of certain educational systems and institutions shall be granted certain holidays with pay and provides an appropriation.

Committee on Ways and Means.

By Reps. Bowling and Drake (With Notice and Proof):

H. 103. To alter, rearrange and extend the boundary lines and corporate limits of the City of Cullman, in Cullman County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 103, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable:

H. 104. To amend Sections 16-25-11 and 36-27-11, Code of Alabama 1975, relating to the teachers' retirement system and the employees' retirement system, respectively, so as to provide further for the number of years of contributing membership service a member of such retirement systems shall complete before being allowed to restore previous credible service with either such retirement system.

Committee on Ways and Means.

By Rep. Albright:

H. 105. To provide further for the Alabama Emergency Management Act, Articles 2, 3, 4, 6, 7, 8, 9, 10, 11, 14, 16, 17, 18, 20, 21, 22 and 24 of

Chapter 9, Title 31, Code of Alabama 1975, so as to include certain other causes of emergencies other than those resulting from hostile military action, to encourage counties and other political subdivisions to assist in emergency management programs and to authorize state grants thereto for such programs, to provide for the appointment of directors for local organizations which aid in emergency management; to authorize political subdivisions to evacuate civilians during emergencies, to provide further for penalties for violations of said Chapter 9; and to provide continuing annual appropriations for certain emergency management programs at the governor's discretion.

Committee on Judiciary.

By Rep. Hammett:

H. 106. To prohibit certain activities related to tampering with meters and other facilities of public utilities furnishing utility services or otherwise diverting or using utility services unlawfully; to provide felony criminal punishment for violations; and to provide that the provisions of this act are cumulative to Section 13A-8-10, Code of Alabama 1975.

Committee on Judiciary.

By Rep. Hammett:

H. 107. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

Committee on Judiciary.

By Rep. Hammett:

H. 108. To provide that a utility may terminate or decline to serve an applicant who is indebted to the utility for similar utility services at a former location or at the present location or where such indebtedness was incurred by a member of the applicant's household.

Committee on Judiciary.

By Rep. Hammett (With Notice and Proof):

H. 109. To provide for the total county salary supplement for the district judge of the 22nd Judicial Circuit; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 109, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 110. Relating to Covington County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee;

and to provide that said system shall constitute official and permanent records in Covington County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 110, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rogers and Boles (With Notice and Proof):

H. 111. Relating to the City of Birmingham; providing for a city dog racing commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; prescribing the composition, appointment, powers, duties and compensation of such commission; providing for regulating the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack in said city; providing for the distribution of license fees, taxes, commissions and other monies received under the provisions of this act; prescribing penalties for violation of this act and for other purposes relative thereto; providing for a referendum of the qualified electors of the city on the question of whether this act shall become effective in the city and providing that if this act is effectuated by the results of such referendum election, such track shall be located and constructed only within the boundaries of the City of Birmingham with such commission determining such location.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 111, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turnham and Smith:

H. 112. To amend Section 2-2-15, which provides qualifications for those persons in charge of accounting, plant industry, agricultural chemistry and poultry so as these divisions do not have to be designated as divisions; to allow a qualified veterinarian to be in charge of poultry in lieu of a college graduate in poultry husbandry.

Committee on Ways and Means.

By Rep. Turnham:

H. 113. To amend sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners In Psychology, so as to provide for increases in certain fees charged by the Board.

Committee on Health.

By Rep. Turnham:

H. 114. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1987, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for

the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Ways and Means.

By Reps. Martin, Zoghby, and Seibels:

H. 115. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-27, 11-46-36, 11-46-40, 11-46-51, and 11-43-2, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having mayor-council form of government and to establish dates and other procedures required in connection with such elections.

Committee on Local Government.

By Reps. Martin, Zoghby, and Seibels:

H. 116. To amend Section 11-51-91, Code of Alabama, 1975, so as to clarify the meaning of said Section; to require a liberal construction of the meaning of said Section.

Committee on Local Government.

By Reps. Martin, Zoghby, and Seibels:

H. 117. To amend Section 11-43-40, Code of Alabama 1975, relating to the composition of city councils in cities having a population of 12,000 or more so as to provide for a procedure to establish a council of not less than five nor more than seven aldermen to be elected from districts.

Committee on Local Government.

By Rep. Buskey (John):

H. 118. To amend Sections 16-11-2, and 16-11-3, Code of Alabama, 1975, so as to require the popular election of all members of all city boards of education in single member districts; to establish a residency requirement; to provide for the apportionment of board districts; to provide for the compensation of board members; to provide for terms of offices, vacancies, and dates of elections; and to repeal conflicting provisions.

Committee on State Administration.

By Reps. Clark (J), Turnham, Onderdonk, Campbell, Crow, Browder, Johnson (Roy), and Holley:

H. 119. To abolish any zoning law, ordinance or regulation which prohibits mentally retarded or mentally ill persons from living in a natural residential environment zoned "multi family" as it appears in zoning laws or ordinances so as not to exclude certain groupings of mentally retarded or mentally ill persons.

Committee on Health.

By Rep. Clark (J):

H. 120. To amend Section 16-13-52, Code of Alabama, 1975, relating to the minimum school program fund, so as to change the attendance period for apportioning the minimum program fund from the first four scholastic months to the first two scholastic months for the preceeding school year and to repeal subsection (b).

Committee on Ways and Means.

By Rep. Blake:

H. 121. To repeal Section 2-6-2, providing for the appointment of a Superintendent of the Agricultural Center to manage and control the coliseum and its facilities; to provide for the appointment of merit system employees for the Agricultural Center by the Agricultural Center Board.

Committee on State Administration.

By Reps. Martin, Zoghby, and Seibels:

H. 122. To amend Sections 11-46-92, 11-46-93, 11-46-96, 11-46-97, 11-46-98, 11-46-107, 11-46-111, and 11-46-122, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having commission form of government and to establish dates and other procedures required in connection with such elections.

Committee on Local Government.

By Rep. Martin (With Notice and Proof):

H. 123. Relating to Morgan County; amending Act No. 83-362, H. 98, 1983 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further that it shall remain in full force and effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 123, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Martin:

H. 124. To make an appropriation from the state general fund to the various county emergency management agencies to reduce their funding deficits caused by curtailment of adequate funding.

Committee on Ways and Means.

By Reps. Zoghby, Buskey (James), Gaston, and Kvalheim (With Notice and Proof):

H. 125. To amend Section 28 of Act No. 85-229 which act provides for a referendum on the question of adoption of a district commission form of government or a mayor-council form of government in any Class 2 municipality, so as to provide further for the vote of the council members present at meetings which shall be sufficient for the passage of any resolution, by-law, ordinance, or transaction of any business.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 125, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Turner, and Marietta (With Notice and Proof):

H. 126. Relating to further duties of the Mobile County Commission and providing financial reports for publication; providing that the provisions

of the act shall be cumulative to any and all other laws relating to the duties of the chairman and members of the county commission.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 126, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby:

H. 127. To amend section 44-1-76, Code of Alabama, creating the youth services department district board of education, by establishing the method by which the board of education is appointed and by establishing the powers and duties of said board of education and the superintendent of education.

Committee on Education.

By Rep. Zoghby:

H. 128. Requiring insurers who issue or deliver property insurance policies in this state to offer as an option in such policies certain coverage for damage from water backing up through sewers and drains.

Committee on Insurance.

By Reps. Zoghby, Turner, Drake, Johnson (Roy), Buskey (James), Clark (J), Kvalheim, Gaston, Penry, Marietta, Clark (W), and Kennedy:

H. 129. To amend Sections 33-4-31 and 33-4-32, Code of Alabama 1975, which relate to bar pilots and pilotage and qualifications and selection of apprentices, so as to provide further therefor.

Committee on State Administration.

By Reps. Zoghby, Kvalheim, Gaston, Turner, Marietta, Clark (W), and Kennedy.

H. 130. To further amend Section 40-9-12, Code of Alabama 1975, as amended, so as to include the Rotary Rehabilitation Hospital, Inc., Mobile County, Alabama, a nonprofit corporation, to which tax exemption provisions apply for certain charitable, religious and civic organizations.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 131. To authorize the State Health Planning Agency to issue certificates of need to health care providers of private psychiatric beds and facilities in this state, regardless of any administrative practice or directive to the contrary, based upon certain findings that a need exists for such new beds and facilities.

Committee on Health.

By Reps. Johnson (Roy) and Smith:

H. 132. To create the Municipal Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment

of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among incorporated municipalities; and to provide for the uses to which such monies shall be put.

Committee on Ways and Means.

By Rep. Campbell:

H. 133. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1984 Second Special Session and the 1985 First Special and Regular Sessions of the legislature, as contained in the 1985 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

Committee on Judiciary.

By Rep. Campbell:

H. 134. To amend Section 12-17-224, Code of Alabama 1975, which provides for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit, so as to provide further for the fees collected pursuant to the provisions of the unit.

Committee on Ways and Means.

By Rep. Campbell:

H. 135. To amend Section 6-2-38, Code of Alabama 1975, which Section relates to the time for commencement of certain civil actions, so as to provide a two-year statute of limitation on all actions commenced pursuant to 42 U.S.C. § 1983 to recover damages for the deprivation under color of any statute, ordinance, regulation, custom or usage of any rights, privileges or immunities secured by the Constitution and laws of the United States.

Committee on Judiciary.

By Rep. Campbell:

H. 136. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition hunting and fishing seasons, bag or creel limits promulgated by the commissioner of the department of conservation and natural resources, any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of Sections 41-22-12 through 41-22-21, Code of Alabama 1975, certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the

time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending Section 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; by amending Section 41-22-24 to provide the procedure for reconsideration of disapproved rules by the legislature; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Committee on Judiciary.

By Rep. Campbell:

H. 137. To further amend § 40-23-1, Code of Alabama 1975, as amended, which section contains various definitions applicable to the Alabama sales tax, so as to amend the definition of "sale or sales," and declaring that this bill does not provide any grounds for jurisdiction for collecting sales or use tax over retailers who have not otherwise submitted to the jurisdiction of this state for tax purposes.

Committee on Ways and Means.

By Rep. Campbell:

H. 138. To provide for an exemption from state, county and municipal ad valorem taxes all developed, improved and duly approved and recorded subdivisions real property residential lots, together with any residential structure improvements constructed thereon, provided however, that such exemption shall inure only to the benefit of the person owning title to and developing or improving such real property lots who shall not have conveyed title to such real property lots to another person and provided further, that any residential structure situated on such real property lots shall be new, unsold and unoccupied; and provided further, that said exemption shall apply only to such value attributed to the subdivision of unsubdivided real property into residential lots and the construction of new residential dwellings thereon and not to such ad valorem taxes as may be attributable to such real property in the fiscal year or years immediately preceding the subdivision and improvement thereof; and provided further, that such exemption shall automatically expire on each subdivision lot at the end of any fiscal year in which each such lot is conveyed to another or in which any residential structure situated thereon becomes occupied by any person.

Committee on Ways and Means.

By Reps. Campbell, Drake, Ford, Zoghby, Johnson (Roy), Clark (J), Biddle, Penry, Kvalheim, Hammett, Holley, Martin, Coburn, Mitchell, Laird, Reed, Harvey, Gaston, Thomas, Hooper, Buskey (John), Smith, Buskey (James), McNair, Carter, Warren, Bugg, Tanner, Junkins, Starr, Crow, Rice, Browder, Carothers, Newton, Turner, Starkey, Nicholson, Blake, Hettinger, Grayson, McMillan, Perdue, and Clark (W).

H. 139. An act relating to banks, banking and branch banking which: amends Title 5 of the Alabama Code of 1975 by adding Chapter 13A so as to create the "Alabama Regional Reciprocal Banking Act of 1986"; provides definitions; authorizes any bank holding company whose principal place of business is in any one of certain jurisdictions to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; requires divestiture in certain circumstances; provides applicable law and for regulatory supervision and enforcement authority; provides for application fees; provides for severability of provisions; restricts amendment of §5-5A-20, Code of Alabama, 1975; and provides an effective date.

Committee on Banking.

By Rep. Browder:

H. 140. To provide further for tax exemptions, to exempt the Alabama State Trooper Association from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Browder:

H. 141. To provide for minimum arresting officer manpower requirements for the Alabama Department of Public Safety.

Committee on Ways and Means.

By Rep. White (F):

H. 142. To amend Sections 11-51-120, 11-51-121, and 11-51-122, Code of Alabama 1975, so as to clarify and further define the authority of mu-

nicipalities to levy licenses on insurance companies doing business in such municipalities.

Committee on Local Government.

By Rep. White (F):

H. 143. To amend Section 36-21-2 of the Code of Alabama 1975 which provides a subsistence allowance for certain state law enforcement officers so as to provide that law enforcement officers with the department of corrections and any other state law enforcement officer with the power of arrest shall receive said subsistence allowance.

Committee on Ways and Means.

By Rep. White (F):

H. 144. To provide a uniform allowance to state employees who are required to attend the performance of their duties in uniform; and to provide an additional annual continuing appropriation for such purpose.

Committee on Ways and Means.

By Reps. White (G), Beers, and Bachus:

H. 145. Relating to elections; to define the meaning of terms used in this act; to establish the Alabama Fair Campaign Practices Commission and to delineate the duties thereof; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or county office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than $1,000 from certain provisions of the act, to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Title 17, chapter 22, Code of Alabama 1975, relating to elections, financing and corrupt practices and to provide severability and effective dates.

Committee on State Administration.

By Reps. White (G), Beers, and Bachus:

H. 146. To establish the "Alabama Youth Educational Guidance and Suicide Prevention Act Pilot Program"; to prescribe that the department of mental health shall administer the provisions of this act; to prescribe that various state and local agencies, law enforcement agencies, certain local community agencies, shall be consulted by the department of mental health

in proposing a student services program and increase public awareness in identification, intervention and prevention of youth suicide, including guidance and psychological services, relative to existing services and assessment of needed services; to provide for certain training for holders of all classes of teachers' certificates whether provisional or otherwise; to provide for public awareness education; to provide further for a student curriculm to include related training or courses in emotional guidance and suicide prevention; to provide for the duration of the pilot program and the implementation of same.

Committee on Ways and Means.

By Reps. White (G), Beers, and Bachus:

H. 147. To prescribe additional notice requirements and form thereof where land or real property, or right or interest, or easement therein have taxes, local or state, owed or where sale of such is proposed, or sale thereof has been made pursuant to Title 40, Chapter 10, Code of Alabama 1975, as amended, which relate to the sale of land for delinquent taxes and the manner thereof; to provide that only to the extent there is any conflict with said Title 40, Chapter 10, Code of Alabama 1975, as amended, the provisions of this act shall supersede and such conflicting laws or parts of laws are specifically repealed.

Committee on Judiciary.

By Reps. White (G), Beers, and Bachus:

H. 148. To amend Section 40-17-31 of the Code of Alabama 1975 so as to exempt gasoline and other motor fuels used for aviation purposes from certain taxes levied by said section.

Committee on Ways and Means.

By Reps. Bowling and Drake:

H. 149. To provide for the state to supply the milk substitute formula Lofenalac to all children who have the disorder Phenylketonuria; and to authorize certain expenditures to carry out the purposes of this act.

Committee on Ways and Means.

By Reps. Marietta and Onderdonk:

H. 150. To amend Sections 16-14-4, 16-14-5, 16-14-6, 16-14-7, 16-14-8, 16-14-9, 16-14-10, 16-14-11, 16-14-12, 16-14-13, 16-14-15, 16-14-17, 16-14-18, and 16-14-19 of the Code of Alabama 1975 relating to the authorization and incorporation of the Alabama Public School Corporation so as to authorize said corporation to borrow money for any corporate function, to pledge certain notes or warrants received from local school boards as security for debts of the corporation, to employ experts to assist the corporation, to obtain guarantees insurance, surety bonds and letters of credit as security for the notes and warrants of the corporation, to establish reserve funds, and to make loans to one or more local school boards for the payment of teachers' salaries and current operating expenses; to specify that an additional purpose of the corporation shall be the borrowing of money on behalf of local school boards and the lending of such money to local school boards; to provide that all notes or warrants of the corporation shall be payable solely out of the proceeds of the minimum program fund appropriation or the proceeds from notes or warrants of local school boards to which funds

are loaned by the corporation; to authorize the corporation to consult with local school boards to determine their cash needs for teacher payrolls and other current expenses; to provide that borrowings by the corporation in anticipation of appropriations from the Alabama special educational trust fund may be made on behalf of local school boards for whose benefit such appropriations have been made; to provide that the powers of the corporation shall be vested in a board of directors consisting of the director of the department of finance, the commissioner of the department of revenue and the state superintendent of education and to provide for officers of the corporation; to specify the method of dissolving the corporation; to provide for the terms and provisions of any notes or warrants issued by the corporation and the execution thereof; and to clarify that notes and warrants of the corporation shall not constitute debts or obligations or a charge against the credit or taxing power of the State of Alabama.

Committee on State Administration.

By Rep. Marietta:

H. 151. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accures or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

Committee on Judiciary.

By Reps. Onderdonk and Marietta:

H. 152. To amend Section 40-23-4.1 of the Code of Alabama 1975, relating to the exemption of certain prescribed drugs from sales tax, so as to provide further for such exemption of certain prescribed medical supplies and equipment.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 153. To provide further for certain successful condemnors in certain condemnation actions, whether by adversary proceedings or otherwise, involving real property with only one ingress, egress and regress, and rights-of-way to erect, construct, maintain, or extend connecting lines, cables or other modes, beneath or across the surface of adjoining lands for the purpose of providing electricity, water, gas, or other utilities; to provide that such rights-of-way vest in the successful petitioner when the condemned property has only one ingress, egress and regress; to prescribe for the recordation of such rights-of-way and that certain descriptions of adjoining parcels between the boundaries shall be included in such recording; and to provide that the provisions of this act shall supersede all other provisions of law which are in conflict herewith.

Committee on Judiciary.

By Reps. Onderdonk and Marietta:

H. 154. To amend Section 40-20-2, Code of Alabama 1975, so as to further define the limitations imposed upon counties, cities, towns or municipalities to establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, with respect to the production, treating, processing, ownership, sale, storage, purchasing, marketing, or transportation on any oil or gas produced in the State of Alabama.

Committee on Ways and Means.

By Reps. Onderdonk, Zoghby, and Marietta:

H. 155. Proposing an amendment to Amendment 341 to amendment of Section 106, Constitution of 1901, relating to publication and notice of intent to apply for local legislation affecting counties and municipalities.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Reps. Onderdonk and Marietta:

H. 156. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Committee on Judiciary.

By Reps. Onderdonk and Marietta:

H. 157. To grant to the Alabama Court of Civil Appeals the power to hire staff attorneys.

Committee on Ways and Means.

By Rep. Onderdonk (With Notice and Proof):

H. 158. To authorize and empower the governing body of Washington County, Alabama, to levy and collect special county privilege and license taxes and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, distribution and use of the proceeds from such taxes as may be levied by the said governing body; to provide for the enforcement of this act by the state department of revenue and to provide for an advisory referendum election to determine whether the qualified electors of said county approve or disapprove of the provisions of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 158, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Onderdonk and Marietta:

H. 159. Relating to the regulation of the production of oil and gas in this State; to amend Sections 9-17-1 and 40-20-1, Code of Alabama 1975, to define oil and gas terms, to amend Section 9-17-6, Code of Alabama 1975, relating to the powers and duties of the State Oil and Gas Board; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend Section 9-17-12 and Section 9-17-13, Code of Alabama 1975, to eliminate the requirement that the State Oil and Gas Board shall settle disputes relative to well costs; to amend Section 9-17-24, Code of Alabama 1975, to provide for the collection of application fees and to establish the Alabama State Oil and Gas Board Special Fund; to amend Section 9-17-32, Code of Alabama 1975 to provide for fines for violations of the rules, regulations, or orders of the State Oil and Gas Board.

Committee on Ways and Means.

By Rep. Onderdonk:

H. 160. To provide further for the regulation, control, abatement and prevention of environmental problems in the state, including problems resulting from air and water pollution, solid and hazardous waste management activities, coastal area activities, the supply of drinking water, water well drilling and the operation of water and wastewater treatment plants. Specifically, this Act amends Section 22-22A-5, Code of Alabama 1975, as amended, to authorize the Alabama Department of Environmental Management to issue administrative orders assessing civil penalties for violation of laws which it administers; to authorize the Alabama Department of Environmental Management or Attorney General to commence civil actions to recover penalties for such violations; and to require that such penalties be deposited to the credit of the general fund; to provide for the same liability of responsible corporate officers in civil actions under this Act as is provided in criminal actions under the Federal Food, Drug and Cosmetic Act as construed in United States v. Dotterweich, 320 U.S. 277 (1943), and United States v. Park, 421 U.S. 658 (1975); to authorize the Alabama Department of Environmental Management, Attorney, General or District Attorneys to commence civil actions to enjoin violations of laws administered by the Alabama Department of Environmental Management; to clarify the authority of the Alabama Department of Environmental Management to enforce the provisions of laws which it administers and to issue licenses. This Act also amends Section 22-22A-7, Code of Alabama 1975, as amended, to provide that administrative action which was or could have been reviewed by the Environmental Management Commission shall not be subject to judicial review in civil or criminal enforcement proceedings. This Act also amends Section 22-22A-11, Code of Alabama 1975, as amended, relating to the Alabama Department of Environmental Management Fund to allow for deposit of fines and penalties into the general fund. This Act also amends Sections 9-7-22, 22-22-9, 22-28-22 and 22-23-52, Code of Alabama 1975, as amended, to repeal provisions relating to civil actions for the recovery of penalties and injunctive relief. This Act also amends Section 22-22-9, Code of Alabama 1975, as amended, to clarify that enforcement provisions are applicable to permits and orders issued by the Alabama Department of Environmental Management; to clarify that certain provisions apply to pollutants as well as sewage, industrial wastes or other wastes; to clarify existing subpoena powers; and to modify the notice requirements for water quality standards. This bill also amends Section 22-22-14, Code of Alabama 1975,

as amended, to provide further for the punishment of persons who are convicted of a violation committed after a first conviction. This Act also amends Section 22-28-22, Code of Alabama 1975, as amended, to clarify existing subpoena powers. This Act also amends Section 22-28-23, Code of Alabama 1975, as amended, to provide that local air pollution programs may adopt provisions for administrative assessment of civil penalties and issue permits in lieu of permits from the Department. This Act also amends Section 22-30-19, Code of Alabama 1975, as amended, to repeal provisions relating to administrative assessment of penalties; to permit representatives of the Alabama Department of Environmental Management to enter premises, including transportation facilities, for purposes related to the administration of the Hazardous Wastes Management Act of 1978, including inspection and copying of records required to be maintained; to make criminal a culpable omission in an application, label, manifest, record, report, permit or document and the destruction, alteration, concealment or failure to maintain or file certain documents; and to increase the fines for criminal offenses. This Act also make clear the legislative intention that the Alabama Department of Environmental Management provide notice in the manner prescribed by those laws made expressly applicable to it.

Committee on Ways and Means.

By Rep. Onderdonk (With Notice and Proof):

H. 161. Proposing an amendment to the Constitution of 1901, creating the Washington County Port Authority; providing for its powers and duties; repealing conflicting provisions of this Constitution, 1901.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 161, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Onderdonk:

H. 162. To provide for the creation, appointment, organization, operation, meetings and continuance of the St. Stephens Historical Commission; to provide for acquiring, constructing, establishing, maintaining and promoting certain properties and structures of historical interest and functional utility at St. Stephens, in the vicinity of the site of the first territorial capital of Alabama; to provide for financial cooperation with other public or private agencies and historical organizations; and to provide for the employment of personnel.

Committee on Ways and Means.

By Reps. Onderdonk and Marietta:

H. 163. To establish the venue for all civil actions for damages for personal injury, death or property damage filed against a county or against a municipality.

Committee on Judiciary.

By Reps. Onderdonk and Marietta:

H. 164. To grant to the judges of the Alabama Court of Civil Appeals the power to administer oaths, take affidavits, or acknowledgements.

Committee on Public Utilities and Transportation.

By Reps. Onderdonk and Marietta:

H. 165. To amend further sections 40-23-4 and 40-23-62 of the Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include certain materials, supplies and equipment used in offshore federal waters; and to provide for an effective date.

Committee on Ways and Means.

By Rep. Coburn:

H. 166. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1987.

Committee on Ways and Means.

By Rep. Coburn:

H. 167. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1987.

Committee on Ways and Means.

By Rep. Coburn:

H. 168. To provide a supplemental appropriation of $2,500,000 to the Department of Pensions and Security from the State General Fund for FY 1985-86 and to provide a conditional appropriation of $6,750,000 to the Department of Pensions and Security from the State General Fund for FY 1985-86 to pay awards made by the Board of Adjustment due to the default of payments to state agencies by the Department of Pensions and Security in FY 1984-85.

Committee on Ways and Means.

By Rep. Mitchell:

H. 169. To establish the fiscal year, only for purposes of state appropriations, for each and every public education entity or public institution, whether state, county or municipal, including but not limited to each city and county school board of education, K through 12 public schools, technical and trade schools and institutions and two-year colleges, state colleges and universities and any other public institution of higher education; to authorize the appropriate public officers to make the necessary accounting procedures and to establish regulations therefor; to repeal conflicting laws only to the extent there is a direct conflict herewith.

Committee on Ways and Means.

By Rep. Pratt:

H. 170. To provide additional remedies to the Interstate Compact on Juveniles by permitting a state in which a juvenile is charged with being

delinquent by reason of violating any criminal law to requisition said juvenile from another state.

Committee on Judiciary.

By Rep. Laird:

H. 171. To amend Sections 12-15-1, 12-15-30(2) and 12-15-33(b), Code of Alabama 1975, so as to exclude from the definition of delinquent act any conservation offense committed by a child 16 years of age or older; to provide that the district court may transfer such proceedings to the juvenile court for adjudication as an act of delinquency; and, to provide the juvenile courts with original jurisdiction if such cases are transferred to them by the district court.

Committee on Judiciary.

By Reps. Penry, Cosby, McMillan, and Carter:

H. 172. To amend Section 33-7-3 of the Code of Alabama 1975, relating to the offense of obstructing navigable watercourses, so as to redefine such offense and increase the penalty therefor; to provide for a reward for certain testimony against such offenders and to provide that the state and county shall exercise concurrent jurisdiction in the prosecution of such offenders.

Committee on Natural Resources.

By Rep. Black:

H. 173. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975; which provide for certain exemptions from sales and use taxes, so as to include prepared foods for rabbits.

Committee on Ways and Means.

By Rep. Turner:

H. 174. Repeals Sections 40-25-2, 40-25-3, 40-25-5, 40-25-29, and amends all taxes on all tobacco products except cigarettes, amends 40-25-1 to define stamps, 40-25-2A enacts a tax on cigarettes, amends 40-25-23 to provide for distribution of the revenue, gives revenue commission authority to carry out the act, provides stamping as a method of carrying out the levy, provides for elimination of all tobacco taxes by any city or town or county, amends 40-25-40(7) to define tobacco products as cigarettes, amends 40-25-41 to provide for a use tax on cigarettes, provides for severability and effective date of this act.

Committee on Ways and Means.

By Rep. Coleman:

H. 175. To provide for the creation, promulgation, and dissemination of written policies for educational support personnel.

Committee on Education.

By Reps. Coleman, Rice, McMillan, Clark (J), and Clark (D):

H. 176. Relating to the licensing of real estate brokers and salesmen; to amend Section 34-27-35 of the Code of Alabama 1975 so as to provide for certain continuing education requirements for license renewal.

Committee on State Administration.

By Rep. Coleman:

H. 177. To amend Section 22-22A-5, Code of Alabama 1975, relating to the powers and duties of the Alabama Department of Environmental Management, so as to limit the amount of license fees charged by the Department.

Committee on Ways and Means.

By Rep. Biddle:

H. 178. To amend §34-24-361 Code of Alabama, 1975, to provide that complaints before the Medical Licensure Commission and the Board of Medical Examiners and testimony with respect thereto are absolutely privileged and to grant immunity from suit to the Board of Medical Examiners and the Medical Licensure Commission.

Committee on Health.

By Rep. Biddle:

H. 179. Relating to the acquisition and transportation and transplantation of donor organs; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, and/or transplantation but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation and/or transplantation of organs shall strictly adhere to and follow established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

Committee on Health.

By Rep. Biddle:

H. 180. Relating to the liability of physicians and osteopaths serving on hospital committees; to state the legislative intent; to provide definitions for the term hospital, physicians, hospital medical staff, and committee; to provide that any physician, osteopath or other health care provider serving on any committee of a hospital medical staff and any consultant, attorney, auxiliary personnel or employee of such committee shall not be liable to any person for any damages arising from any claim whatsoever related to or arising out of any action, investigation, report or recommendations made or taken by such committee when such action, investigation, report or recommendation was taken or made by him within the scope of his function

as a member of the committee without malice and in good faith in the reasonable belief that such action, investigation, report or recommendation was warranted by the facts known or reasonably established; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Ways and Means.

By Rep. Biddle:

H. 181. Relating to crimes and offenses; making it a certain felony for a person to wear or otherwise utilize body armor in the commission of and flight from commission of a felonious offense and prescribing penalty for such violations.

Committee on Judiciary.

By Rep. Biddle:

H. 182. To amend Section 40-23-4.1, Code of Alabama 1975, relating to the exemption from the Alabama sales and use tax on certain drugs, so as to exempt hospitals and nursing homes from the payment of said tax on all drugs; and to establish as effective date of such.

Committee on Ways and Means.

By Reps. Box, Buskey (James), and Turner (With Notice and Proof):

H. 183. Relating to Mobile County; to provide that certain funds in the county treasury shall be expended equally among the county commission districts, effective October 1, 1986, and thereafter.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 183, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Box, Marietta, and Fuller:

H. 184. The Probate Court shall have authority and the duty to appoint any suitable person or agency, public or private, including a private association or non-profit corporation as a guardian" for a developmentally disabled person.

Committee on Judiciary.

By Reps. Johnson (Roy), Drake, Coleman, White (F), Smith, Onderdonk, Clark (J), McMillan, Starr, Warren, Faulk, Turnham, Biddle, Newman, Nicholson, Mitchell, Butler, Thomas, Dutton, Browder, Poole, Burke, Bowling, Reed, Harvey, Laird, Holley, Britnell, Moore, Penry, Bryant, Cosby, Junkins, Mikell, Blakeney, Tanner, Richardson, Hooper, Ford, Preuitt, Beasley, Fuller, Mathis, White (L), Lauderdale, Adams, Blake, Starkey, Pratt, and Martin:

H. 185. To create the County Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty

payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among county governments; and to provide for the uses to which such moneys shall be put.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 186. To amend Section 36-16-8 of the Code of Alabama 1975, to increase the dollar value from $100.00 to $500.00 for nonconsumable property that has to be reported by the property manager of each department or agency of the state to the property inventory control division, and decreasing the frequency of reporting from every six months to every year.

Committee on State Administration.

By Rep. Johnson (Roy):

H. 187. To amend Section 41-1-6 of the Code of Alabama 1975, so as to increase the dollar value from $100.00 to $500.00 for nonconsumable personal property which has to be reported by the property manager of each department or agency of the state, and decreasing the frequency of the report from every six months to once every year.

Committee on State Administration.

By Reps. Hooper, McKee, Gaston, Kvalheim, Burke, Seibels, Lindsey, Butler, Cosby, Hammett, McMillan, Turnham, White (G), Beers, and Flowers:

H. 188. To require the state department of education to formulate a program of courses or lectures, within certain appropriate existing studies and units, conducive to the development of civic virtues and positive citizenship values and character education in all grades K through 12 of public schools; and provide certain guidelines and appropriate standards of measurement to require local boards of education, city and county, to provide such curriculum, under guidelines prescribed by the department, based on a program equal and comparable to the American Institute Character Education of San Antonio, Texas; to authorize local boards of education to implement additional courses or additional materials for instruction in the development of civic virtues, positive citizenship values and character education; to require a certain minimum number of character and citizenship objectives for instruction at the comprehensive level of the grade involved; to prohibit the program or courses from promoting any particular religious belief or tradition or invaiding the privacy of individuals; to require the state department of education to establish certain guidelines and credit units to implement the provisions of this act; and to provide the provisions of this act are cumulative.

Committee on Education.

By Rep. Johnson (Roy):

H. 189. To provide that full-time employees and executive officers of the Alabama Retired Teachers Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Association and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Ways and Means.

By Rep. Johnson (Roy):

H. 190. Relating to the Teachers' Retirement System of Alabama, the Employees Retirement System of Alabama, and the Judicial Retirement

Fund; to provide that the statute of limitations for recovering payment of a forged retirement check shall not begin to run until the discovery of such forgery.

Committee on Judiciary.

By Reps. McKee and Mikell:

H. 191. To amend Sections 13A-12-150, 13A-12-151, 13A-12-152, 13A-12-155, 13A-12-156, 13A-12-157, and 13A-12-158 of the Code of Alabama, 1975, relating to obscenity and related offenses so as to prohibit the promotion of obscene works and performances; to provide for definitions; to provide for separate crimes of obscenity in the first degree and obscenity in the second degree; to provide for the enjoining of violations of this Act by the circuit courts; to provide for the forfeiture of works used in violation of this Act; to provide for increased penalties for obscenity offenses; to provide that contracts or agreements which violate Title 13A, Chapter 12, Article 4 of the Code of Alabama 1975, are void; to repeal Section 13A-12-159 of the Code of Alabama 1975, and other conflicting laws or parts thereof; and to provide for severability and effective dates.

Committee on Judiciary.

By Rep. Campbell:

H. 192. To define certain school records as a "governmental records" and to include school systems and institutions in the definition of government so as to make it illegal to knowingly falsify certain school records.

Committee on Education.

By Reps. Marietta, Fuller, Gaston, McMillan, Zoghby, and Box:

H. 193. To amend Sections 26-14-3 and 26-14-7, Code of Alabama 1975, as last amended, relating to reporting actual or suspected child abuse cases, so as to provide further for reporting by the department and to specify certain types of information required in the reports to the department.

Committee on Judiciary.

By Reps. Fuller and Marietta:

H. 194. To amend Section 12-17-290 so as to provide that a break in service as an official court reporter for the State of Alabama will not affect the reporter's eligibility for attaining supernumerary, status, and to provide that supernumerary court reporter commissions shall be issued by the Secretary of State rather than the Chief Justice.

Committee on Ways and Means.

By Rep. Fuller:

H. 195. To bring bonding requirements of license commissioners, revenue commissioners, or others who determine or collect taxes or revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama 1975.

Committee on State Administration.

By Rep. Campbell:

H. 196. Relating to "The Lifesaving Organ Procurement Act of 1986", to state the Legislative intent; to define the word "organ" and "attending

physician", to better provide for the public health by providing that on the occurrence of death of a patient in a hospital, who has not made an anatomical gift to take place upon death, the hospital administrator, or designated representative to request, of specified survivors, in accordance with Section 22-19-42 (b), Code of Alabama, 1975, in the order of priority stated, and when persons in prior classes are not available at the time of death, and in the absence of actual notice to the contrary by the decedent or one in a prior class, to consent to the gift of organs of the decedent's body; to provide such request and its disposition shall be noted in the patient's medical record; to provide, where, based upon medical criteria that such a request would not yield an anatomical gift which would be suitable for use, or, where, based upon the special and peculiar knowledge of the attending physician and/or concerning the circumstances surrounding the death of the patient, there is an exception to the request required by this Article and such determination shall be noted in the patient's medical record; to provide for immunity from civil damages or criminal prosecution to any person who acts in good faith accord; and to provide that the provisions of this Article are cumulative and, insofar as possible, shall be construed in pari materia with other laws relating to the public health and anatamical gifts.

Committee on Health.

By Reps. Starkey, Clark (J), Harvey, Adams, and Moore:

H. 197. To repeal Sections 40-17-130, 40-17-131, 40-17-132, and 40-17-133, Code of Alabama, 1975, as amended, which sections relate to reduction of rate of taxation on gasohol.

Committee on Ways and Means.

By Reps. Penry, Mitchell, and Coleman:

H. 198. To regulate the sale of pre-need funeral contracts in this State; to prohibit the use of such pre-need funeral contracts except upon compliance with the provisions hereof; to provide for the depositing of at least 90% of the proceeds received by an issuer (as defined in this act) from a contract purchaser (as defined in this act) to be held in trust; to provide for the issuance by the state superintendent of banks of a certificate of authority to sell pre-need funeral contracts and to provide for renewal of that certificate; to provide for the disposition of funds upon the death of the beneficiary or upon breach of the pre-need funeral contract by the issuer and in certain other events; to provide for the keeping of books and records by issuers pertaining to pre-need funeral contracts; to provide for the establishment of the Pre-need Funeral Contract Board; to provide for the inspection by the state superintendent of banks of such books and records; to provide an effective date; and to prescribe the penalty for violation of this act.

Committee on State Administration.

By Reps. Mitchell, Ford, Coleman, Onderdonk, Moore, White (F), Rice, Reed, Venable, Carothers, Johnson (RG), Warren, Bowling, Brakefield, Laird, Bryant, Blakeney, Mikell, Hooper, Buskey (John), Faulk, White (L), Black, Johnson (Roy), Marietta, Kvalheim, Gaston, Kennedy, Escott, Lauderdale, Smith, Browder, Harvey, Melton, Richardson, Dutton, Goodwin, Burke, Hettinger, Lindsey, Rogers, Davis, Pratt, Thomas, Spratt, Perdue, Newman, Junkins, Crow, Preuitt, Poole, Turnham, Flowers, and Turner:

H. 199. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 31, 1987.

Committee on Ways and Means.

By Reps. Warren and Ford:

H. 200. To permit any active circuit court clerk or circuit court register to purchase up to six years' credit in the Clerks' and Registers' Supernumerary Fund for time previously served in a federal civil service position or for time previously served as a county employee or official; to provide that such prior service credit must be claimed and purchased within one year of the effective date of this act; to provide that such service credit may not be purchased for any such time already credited to the account of any circuit court clerk or circuit court register; and, to provide an effective date.

Committee on Ways and Means.

By Reps. Carter (With Notice and Proof):

H. 201. Relating to Limestone County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge of Limestone County, Alabama, to have one general index book relative to transactions in the Probate Office of Limestone County and making the provisions retroactive to January 1, 1974.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 201, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers and Johnson (RG):

H. 202. To require insurance companies which sells medical liability insurance in this state to report to the appropriate state licensing agencies any judgment or settlement resulting from a claim for personal injuries caused by an error, omission or negligence in the performance of professional services; to provide for the form and content of the report made by the insurance company; to provide for the confidentially of all reports required by this provision and all findings and records made by the licensing board thereon; to provide penalties for failure to make required reports; to provide for the severability of the provisions of this act; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this Act.

Committee on Ways and Means.

By Reps. Johnson (RG) and Carothers:

H. 203. Relating to the Board of Medical Examiners and the Medical Licensure Commission to authorize the Board of Medical Examiners in its capacity as a certifying board to assess administrative fines not to exceed $1500.00 for each violation of the provisions of §20-2-54 or the rules and regulations of the Board; and further to authorize the Medical Licensure Commission to assess administrative fines not to exceed $2500.00 for violations of §34-24-360 or the rules and regulations of the Commission; and further to provide that a portion of these fines shall be paid to the Board and deposited in a segregated account designated The Alabama Physicians Education Fund; and further to authorize at the discretion of the Board of Medical Examiners the expenditure of funds in The Alabama Physicians Education Fund only for the education, rehabilitation or treatment of physicians licensed to practice medicine in Alabama who are impaired by reason of mental or emotional illness or addiction to alcohol or drugs or for programs

of continuing medical education; and further to provide that the Board is authorized to contract for programs, services, and materials without regard to the competitive bid laws for expenditures made from The Alabama Physicians Education Fund; and further to provide that the Medical Licensure Commission shall not renew the annual certificate of registration of any physician against whom an administrative fine has been assessed until the fine is paid in full; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Health.

By Reps. Carothers and Johnson (RG):

H. 204. To amend §34-24-360(15) to authorize the Medical Licensure Commission to suspend or revoke a license to practice medicine or osteopathy when another State licensing board takes disciplinary action against a physician; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Committee on Health.

By Rep. Rice:

H. 205. Requiring an additional license fee for licensure as a general contractor; and providing that the revenue derived from such additional fee shall be distributed to institutions of higher education offering approved courses in building science.

Committee on Ways and Means.

By Rep. Rice:

H. 206. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

Committee on State Administration.

By Rep. Rice:

H. 207. Relating to the abandonment of the commission form of government by Class 6 municipalities; providing for a referendum on the question of adoption of a mayor-council form of government with five (5) single-member districts and a mayor to be elected at large, or in the alternative a council-manager form of government with five (5) single-member districts; establishing in the alternative said forms of government; providing for the establishment of boundaries of districts, salaries of mayor and council, and the call of election for the members of the council and for a mayor if a mayor-council form of government was adopted; providing for the term of office of the initial council, and for mayor if the mayor council form of government was adopted; providing the election laws to be applied; providing

for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges and emoluments, for the preservation of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipalities and all ordinances; and providing for an effective date of this act, and the severability of the provisions of this act.

Committee on Local Government.

By Rep. Rice:

H. 208. Relating to education; to require that character and citizenship education be taught at kindergarten, primary and secondary education levels in all public schools in Alabama; and to provide that the state board of education shall be responsible for the implementation of such education programs.

Committee on Education.

By Reps. Tanner, Sasser, Johnson (Roy), Smith, Fuller, and Burke:

H. 209. To amend §32-5A-191, Code of Alabama 1975, which relates to the offense of driving under the influence of alcohol or controlled substances (DUI) and the penalties therefor, so as to require all persons convicted of violating said §32-5A-191 or a municipal ordinance prohibiting operation or actual physical control of a vehicle while under the influence of alcohol or controlled substances, to attend and complete a DUI court referral program certified or approved by the State Administrative Office of Courts; and to provide that completion of such program shall be in addition to the punishments and sanctions now provided by §32-5A-191, Code of Alabama 1975.

Committee on Judiciary.

By Rep. Tanner:

H. 210. To amend §12-18-87, Code of Alabama 1975, to provide for an increase in service retirement and survivor benefits under the judicial retirement fund as it relates to probate judges.

Committee on Ways and Means.

By Rep. Tanner:

H. 211. To amend Section 12-12-70, Code of Alabama 1975, which section relates to appeals from district courts to provide for the dismissal of such appeals in certain instances; to provide for an appearance bond on such appeals and procedures for its forfeiture; to provide for the collection of fines and costs, and to provide for the place of commitment where the sentence of the circuit court includes a term of imprisonment.

Committee on Judiciary.

By Reps. Gray, Escott, Davis, Pratt, and Spratt (With Notice and Proof):

H. 212. Relating to Class 1 municipalities; providing for minimum monthly benefits to certain retired persons or beneficiaries of employees who participate in a retirement system pursuant to Act No. 929, S. 676, 1951 Regular Session (Acts 1951, p. 1579).

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 212, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Clark (J), Sasser, White (L), Flowers, Preuitt, Reed, Kvalheim, Gaston, Zoghby, McNair, Rice, Hooper, Smith, Harvey, Coleman, Newman, Carothers, Pratt, Johnson (RG), Burke, Hall, and Hettinger:

H. 213. Relating to "The Alabama Medical Liability Act of 1986" to state the legislative intent; to define the terms health care provider, professional negligence, future damages and periodic payment; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the award equals or exceeds one-hundred thousand dollars ($100,000.00) in future damages and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed two-hundred fifty-thousand dollars ($250,000.00); and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the defendent may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such benefits and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant and to provide that all policies of insurance providing benefits described in this section shall be construed in accordance

with this section after the effective date of this act; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the action must be brought in the county where the negligent act or omission actually occurred or wherein the plaintiff resided at the time of the negligent act or omission and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars ($1,000,000.00); to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the claimant shall have the burden of proving by a preponderance of the evidence that the actions of the health care provider breached the accepted standard of care and to provide that the standard of care shall be that which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical speciality or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this state, be trained and experienced in the same discipline or school of practice and practice in the same or similar medical community; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical speciality or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same speciality, and have practiced in the specialty during the year preceding the date that the alleged professional negligence occurred; to provide that evidence may not be received or admitted concerning the medical liability insurance of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to provide that an attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider based upon professional negligence in excess of specified limits and to provide that the limitations shall apply regardless of whether recovery is by settlement, arbitration or judgment or whether the person for whom the recovery is made is a responsible adult, an infant or a person of unsound mind and to provide that if periodic payments are made to the plaintiff the Court shall place a total value of such payments based upon the projected life expectancy of the plaintiff and shall include this amount in computing the total award from which attorney's fees are calculated under this section and to provide for the definition of the term "recovered"; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that this Act shall apply to all actions against health care providers based on

professional negligence accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law.

Committee on Ways and Means.

By Reps. Clark (J), Rice, Sasser, White (L), Flowers, Reed, Kvalheim, Gaston, Zoghby, McNair, Hooper, Smith, Harvey, Coleman, Carothers, Pratt, Johnson (RG), Preuitt, Burke, Hall, and Hettinger:

H. 214. To amend Section 6-3-7 Code of Alabama, to provide that actions against foreign corporations for personal injuries must be commenced in the county where the injury occurred or in the county where the plaintiff resides if such corporation does business by agent in the county of plaintiff's residence; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Ways and Means.

By Reps. Clark (J), Sasser, Hall, White (L), Hettinger, Flowers, Reed, Kvalheim, Gaston, Zoghby, McNair, Smith, Rice, Harvey, Coleman, Newman, Carothers, Pratt, Johnson (RG), Preuitt, and Burke:

H. 215. To provide that in all civil actions for personal injury, death or property damage, evidence relating to reimbursement of plaintiff for expenses allegedly incurred as a result of the acts or omissions complained of, shall be admissible and to provide that evidence of the cost of obtaining such reimbursement shall be admissible.

Committee on Ways and Means.

By Reps. Clark (J), Sasser, White (L), Hall, Hettinger, Flowers, Reed, Kvalheim, Gaston, Zoghby, McNair, Hooper, Smith, Rice, Harvey, Coleman, Newman, Carothers, Pratt, Johnson (RG), Preuitt, and Burke:

H. 216. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

Committee on Ways and Means.

By Reps. Clark (J), Hooper, Sasser, White (L), Flowers, Reed, Kvalheim, Gaston, Zoghby, McNair, Rice, Smith, Harvey, Coleman, Newman, Carothers, Pratt, Johnson (RG), Preuitt, Burke, Hall, and Hettinger:

H. 217. To provide that in all civil actions in the courts of the State of Alabama, the sufficiency of any claim or defense shall be tested by a minimum standard of proof of substantial evidence; to provide that substantial evidence shall be minimum standard of proof to determine whether an issue of fact shall be submitted to a jury; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court,

including without limitation, motions for summary judgment, motions for directed verdict, motions judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Ways and Means.

By Reps. Clark (J), Sasser, White (L), Flowers, Reed, Kvalheim, Gaston, Zoghby, McNair, Hooper, Rice, Smith, Harvey, Coleman, Newman, Carothers, Pratt, Johnson (RG), Preuitt, Burke, Hall, and Hettinger:

H. 218. To provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, punitive damages as defined within this Act must be proved beyond a reasonable doubt, shall be set by the judge not to exceed the amount of any damages assessed against the defendant other than punitive damages or $100,000.00 whichever is less after determination of the liability for such by the jury or other trier of fact; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Committee on Ways and Means.

By Reps. Clark (J), Sasser, White (L), Flowers, Reed, Preuitt, Kvalheim, Gaston, Zoghby, McNair, Hooper, Rice, Smith, Harvey, Coleman, Newman, Carothers, Pratt, Johnson (RG), Burke, Hall, and Hettinger:

H. 219. Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and providing that the Legislature of the State of Alabama shall have the authority to provide in which county suit against such corporations shall be brought and maintained.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Sasser, Hall, Pratt, Preuitt, Moore, Richardson, Rice, Junkins, Coleman, White (F), Burke, Newman, Crow, Harvey, Clark (D), Starkey, Spratt, Martin, Carter, Butler, Bugg, Lauderdale, Lindsey, Seibels, Dutton, Warren, Blake, Penry, Campbell, Coburn, Turner, Kennedy, Flowers, Turnham, Nicholson, Poole, Johnson (RG), Carothers, Mathis, Beasley, Brakefield, Faulk, Buskey (John), Rains, Gray, Holmes, and Fuller:

H. 220. To require all state entities and political sub-divisions thereof to purchase American made goods and to provide that contracts in violation are void.

Committee on State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced:

By Rep. White (L):

H. J. R. 6. CONGRATULATING MR. AND MRS. JESSE CLYDE JACKSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, November 7, 1985, of Mr. and Mrs. Jesse Clyde Jackson of Dadeville; and

WHEREAS, Jesse Clyde Jackson and his lovely bride, Edna Lucile Hamby, were joined in wedlock on November 7, 1935, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years, setting an admirable example of faithfulness to others; and

WHEREAS, Clyde Jackson, a retired retail grocer for 32 years, and his wife, Lucile, are members of Mount Carmel Baptist Church where Mr. Jackson serves as Chairman of the Board of Deacons, and Chairman of the Board of Trustees and church treasurer for 12 years, while Mrs. Jackson is past church treasurer and Sunday School teacher, Vacation Bible School worker, Community Action worker for Women's Missionary Union, secretary of the Adult Sunday School Class and Co-chairman of the Floral Committee; and

WHEREAS, the Jacksons also are deeply involved in community leadership—Clyde Jackson as chairman of the Dadeville Recycling Center, member and auditor of the Bee Keepers Association, and a former Sergeant Patrolman during WWII; Lucile Jackson is a member of the Dadeville Homemakers Club and a volunteer for the Dadeville Recycling Center, Blood Mobile and the Commodity Distribution program; and

WHEREAS, joining Mr. and Mrs. Jackson in celebration of this milestone in their journey through life together, were the couple's children, Louise Jackson and Buford Cole and James Robert and Donna Jackson; grandchildren, Charles Jackson and Kelly Cole and Bradley Fowler and Laura Darby Jackson; as well as other family members and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in congratulating this exemplary couple, Mr. and Mrs. Clyde Jackson of Dadeville, Alabama, and direct that they receive a copy of this resolution, expressing our sincere best wishes for many more happy years together.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 7. COMMENDING MATTIE BOBO FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 8. COMMENDING CHARLES W. WANN FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 9. COMMENDING MRS. JEROME RAISPIS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 10. COMMENDING STINA BANKSTON FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 11. COMMENDING MRS. TYRONE BATTLES FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 12. COMMENDING SALLY MORRIS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 13. COMMENDING HAZEL ABERCROMBIE FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hammett:

H. R. 14. COMMENDING GRADY REEVES OF ANDALUSIA, ALABAMA, AARS "RESCUER OF THE YEAR."

RECESS

On motion of Rep. Holley, the House recessed until six o'clock p.m.

HOUSE RECONVENED

The hour of 6:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 13 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 13, from the Standing Committee on Judiciary to the Standing Committee on Ways and Means.

H. 14 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 14, from the Standing Committee on Judiciary to the Standing Committee on Ways and Means.

JOINT SESSION

The hour of 6:00 o'clock p.m. having arrived, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, in accordance with House Joint Resolution 3 heretofore adopted, for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable William J. Baxley, Lieutenant Governor and Presiding Officer of the Senate.

GOVERNOR'S MESSAGE

His Excellency, George C. Wallace, Governor of the State of Alabama, appeared before the Joint Session and delivered in person the following message:

STATE-OF-THE-STATE MESSAGE

BY

GOVERNOR GEORGE C. WALLACE

JANUARY 14, 1986

Governor Baxley, Speaker Drake, Ladies and Gentlemen of the Legislature, My Fellow Citizens:

Today, we begin an historic day in the life of State Government. We are in a new building that has been specially designed to provide you with suitable accommodations.

It was absolutely necessary for us to move out of the Capitol building so that it could be renovated. We are so fortunate in Alabama to have one of the most beautiful and most historic capitols in the entire nation. We simply could not let this building deteriorate, but we had to spend what money is necessary to preserve this important part of our history for us and for future generations.

We have made a lot of progress in many areas since January, 1983. When we first gathered three years ago, it could be said that our state, fiscally speaking, was on a respirator. It was in "intensive care" because it had been mis-managed.

In fact, you could say that the "Ship of State" had been drifting without any knowledgeable direction from the stern. Some people in high places either did not know how to direct the state fiscally, or they did not care.

Let me give you an example:

A letter was mailed out at taxpayer expense to every taxpayer in Alabama, telling you that there was plenty of money in Montgomery after both the general fund and the education budgets had been declared prorated. Now, one action or the other was wrong.

And above all else, the morale of our people was injured in 1983. In many cases, hope was gone.

Today, Alabama is healthy. Our economy is growing. Many of our people are now looking for a <u>better</u> job and not just a job.

Yes, we still have needs. Yes, we still must make more progress. We still have a lot of work to do. But, at least, the State of Alabama is fiscally on its feet and healthy.

Our big problem now is that the federal government is trying to reduce the federal deficit, and of course it must be reduced, but they are doing so by cutting services to the states. Many of these cuts affect essential services that our citizens need And I"ll have more to say about that later.

But I want you to know that I am extremely proud of our accomplishments.

When we took office in January, 1983, we had an unemployment rate of 16.7 percent as compared with a national average of 11.4 percent. In fact, Alabama and Michigan led the nation with the highest unemployment rates.

The Alabama unemployment figure for last November was 7.8 percent. That's a reduction of almost 9 percent. We no longer lead the nation in the number of people unemployed. In fact, in October, there were 10 other states with higher unemployment rates than Alabama. And from December of 1984 until October of 1985, Alabama's unemployment dropped 3.7 percentage points which was the largest drop of unemployment in the entire nation. That's something we can be proud of.

When I campaigned for office, I campaigned on the platform of more jobs for the people of Alabama. I am extremely pleased with our progress in this area.

During the first two years of this administration we have announced capital investment of about three-billion dollars, providing new jobs for some 37-thousand Alabamians.

The figures for 1985 are still being compiled, but we expect another good year.

Many of these new industries are under construction and the full impact on Alabama's employment will not be known until later . . . but the future of Alabama's economy looks bright.

I would like to mention just a few of the major industries that have announced recently.

. The Boeing plant in the Huntsville area has announced some 40-million dollars of expansion employing about 2-thousand with even more expansion coming soon, and eventually we hope will employ 12 to 15 thousand in the Huntsville area.

. In the Birmingham area, the U.S. steel plant was about to close when we came into office. We worked with management and labor to obtain an agreement that saved thousands of jobs for that area while U.S. steel plants in most other states closed down.

. In the Montgomery area, we announced a new G.E. plant that will provide hundreds of jobs for central Alabamians.

. In Sheffield, we have announced the re-opening of the 21-million dollar die casting plant that will provide up to 900 new jobs.

. In Mobile, several major announcements including Scott Paper Company, an expansion of Degussa, and a 25-million dollar expansion of Metco America.

And these are just a few. We have several major announcements coming up early this year that will provide thousands of new jobs for the people of our state. In fact, one of those announcements is scheduled later this week which will be a very major industry that all the Southeastern states were trying to get but Alabama got it. We expect that this major foreign industry will grow to be even larger once it has located in our state.

Budget

A better economic climate that includes billions of dollars in new and expanded industry and thousands of new jobs has been extremely helpful in our budgetary progress. You will recall in January 1983 both the general fund and the Alabama Special Educational Trust Fund were in proration. The 15% proration in the general fund was the first proration since 1962-63.

Actually, according to the receipts at that time, proration when we took office should have been 22%. For the Alabama Special Educational Trust Fund budget, this was the 4th time in the last 5 years that this budget had been prorated. We rolled up our sleeves and began to work. We suggested certain revenue measures and, thanks to you, those measures were approved to augment the rapidly deteriorating general fund. Thanks to renewed confidence in our economy and our business climate, the revenues earmarked for the Alabama Special Educational Trust Fund began a dramatic recovery in May and June of 1983. The fiscal situation in 1982-83 was dismal, but with courage and tenacity we attacked the problem. We closed the prorated 1982-83 fiscal year with a $1,222 balance in the General Fund and $10,571,554 in the Alabama Special Educational Trust Fund. In fact, we even made up the proration in education and paid the budget in full.

Since that time we have enjoyed a better budgetary situation. Through new revenue measures, improving business climate and certain administrative efforts, we have funded state government and education without any further proration. Through careful analysis of the state indebtedness and a strong awareness of the national bond market, our finance department has saved the state over 106 million dollars in actual overall debt service reduction. When you add the savings by paying the banks on the due date rather than in advance, this savings becomes more than 109 million dollars. In my opinion, these efforts represent outstanding service to the people of Alabama and a significant contribution to the fiscal stability of our state.

General Fund

In the general fund for 1985-86, you appropriated and we will spend the majority of the 57.6 million dollar balance we had on hand October 1, 1985. As we project that 1985-86 budget to the 1986-87 year and compare that number to available funds for 1986-87, we are short 31.6 million dollars. Therefore, after we provide for certain necessary increases or level budgets in corrections, medicaid, public safety, and pensions and security, the remaining items must be reduced by 4.5% in order to present a balanced budget.

With a majority of the budget being reduced from the 1985-86 level and without the infusion of new dollars, it is impossible to include a raise for state employees in this budget submitted. I strongly urge you to be fiscally responsible as you deliberate the 1986-87 general fund budget I will submit. If you examine my record, I have never had to declare proration. I do not want to start with the 1986-87 budget.

Alabama Trust Fund

I am extremely proud of my proposal to you which you approved, and the voters of Alabama approved, that established the Alabama trust fund. This idea, in my opinion, is a major accomplishment of this administration and of the legislature. It is a lasting compliment to the voters of Alabama. They were extremely wise in approving this concept as a constitutional amendment which provides for permanent protection for this fund. Your

statesman like approach to this opportunity will be a lasting tribute. This legacy will be enjoyed by present and future generations. The stewardship of the money invested in the Alabama trust fund has been placed with an exemplary board of trustees. They have contracted with a leading international investment firm in an advisory role. On October 31, 1985, the corpus of more than 335 million dollars was invested at an average rate of 10.6% for an average term of 7.5 years. This will produce approximately $35 million dollars annually. You recall this corpus is to be augmented by additional lease sales, oil and gas settlements, royalties, legislative appropriations, and the corpus of the Alabama heritage trust fund in the year 2001. The corpus of the Alabama trust fund could very well exceed one billion dollars in just a few years. With the investment policies we have established we will have a continuing flow of interest into the general fund.

Education

We have made tremendous progress in education during this current term. You recall we began in January 1983 with 10% proration in the Alabama Special Educational Trust Fund. With changes in the economy, a reduction in unemployment, and better fiscal management, we were able to remove the proration in the Alabama Special Educational Trust Fund before the end of the year.

Beginning with the 1983-84 budget, we began an emphasis on excellence in all phases of education in Alabama. We have made unprecedented progress. I would like to mention just a few of the more significant accomplishments:

1. We provided fully funded kindergarten programs;

2. We established a public education employees' health insurance board that created a statewide health insurance program to provide a financially sound health insurance program for all participating education personnel. In the current FY 1985-86 budget there is $84,000,000 (84 million dollars) to support this program:

3. We provided more teacher units in order to reduce the teacher/pupil ratio;

4. We funded a 15% raise in FY 1984-85 for all teachers K through 12 and support personnel;

5. We put into motion during the 1985-86 budget a plan that was designed to pay teachers according to their performance. The first step in this progress was an attempt to get closer to national average teachers' salary by increasing tenured teachers' salary 15% and increasing non tenured teachers 5%. That amounts to a 30% raise over two years for most teachers while implementing a valuable non-taxable health insurance benefit; This increase is applied to an improved base and this base becomes larger with each calculation.

6. We placed a special emphasis on math, science and computer education directly through appropriation of dollars for equipment and indirectly through scholarship money for teacher training.

7. We provided large sums of money for school buses, library books and equipment purchases and repair; and

8. We exercised administrative discretion in allocation of funds to help alleviate cash flow problems for local schools.

The budget we are operating on in FY 85-86 is some 79 million more in absolute dollars and about 10 million conditional dollars than my original proposal. When the budget was passed, I had the choice of vetoing it or approving it. Quite frankly, under the circumstances I felt it was better than one we might get if I sent it back with a veto. Therefore, I signed it, knowing that it was higher than my recommendation. There is a possibility that the economy would continue to improve greater than finance department projections and maybe we could fully fund the legislatively approved budget. As the fiscal year 84-85 came to a close the dollars available on September 30, 1985 in the Alabama Special Educational Trust Fund was within 12.9 million dollars of the number that had been predicted by the finance department. Ladies and gentlemen, that is within 7/10 of 1 percent of being exactly on the nose with the estimate.

If the estimates are that close for 1985-86, we face a shortfall of revenue compared to projected expenditures. In order to balance the budget, there are certain discretionary items (Alabama public school and college authority, governor's education program, state department of education, etc.) In the budget which will not be spent until we see our revenues are sufficient to offset the shortfall. Finance officials are monitoring the situation very closely and, if a trend develops, appropriate action will be taken.

One of the most exciting accomplishments of the three previous years is the $310 million capital outlay bond issue.

In my opinion we will be able to sell all those bonds at one time if the market is favorable and not increase the annual debt service payment from the Alabama Special Educational Trust Fund. I might add that this funding accommodation was made possible through a refunding which provided up front savings, reduced the total Alabama public school and college authority debt service and shortened the length of time of the refunded bonds. This capability of selling all at one time, again if the market is favorable, will permit many worthy projects to begin almost immediately. Only time can measure the everlasting effect these new facilities will have on the lives of our students as they mature to become adults of tomorrow.

Putting education expenditures in perspective, in 1982-83 we were spending nearly 1.5 billion dollars for education. In the 1986-87 budget, I will propose spending over two billion dollars. That is an increase of over half a billion dollars, or 37 percent since 1982-83. During the intervening years, we have spent nearly one-half billion dollars in carry forward balances.

Therefore, the situation before you, as you consider the education budget, is one I predicted and offered a solution to in my "State of the State" address at the beginning of the Regular Session in 1984. At that time, I told you of the recommendations of the task force on economic recovery which I had appointed just before I took office. I told you how they had studied our tax structure and had made recommendations for improvements in our tax system in light of our future needs in Alabama.

At that time, two years ago, I told you that if you desire a quality education program ... If you desire a state that can compete for industry and commerce ... If you desire a state where our children can stay and be productive on par with other states in our region ... if you desire Alabama to be a meaningful part of the 21st century, that we must provide some long-range funding and quality standards and controls for education. Those were my words to you in 1984.

I then presented to you two constitutional amendments which I asked you to submit to the people of Alabama to raise funds needed for future revenue in Alabama. Those proposals were so structured as to not provide an increase in the tax burden of the average citizen of Alabama.

Needless to say those proposals did not become law so now we face the task of attempting to continue the momentum toward excellence in education without the benefit of those additional dollars.

I simply cannot urge you too strongly to take the statesman like approach to developing the 1986-87 Alabama Special Educational Trust Fund budget. Remember the predicament you faced when you came into office in January 1983. Resist the temptation to appropriate more than is available. I think if you check with your local school people, they would strongly encourage you to avoid a prorated budget.

And on the matter of pay raises for teachers and state employees, let me just say one thing. Since I came into office during my first administration in 1963, there have been more gains and advances for state employees and teachers during my administration, and that of my late wife, Governor Lurleen, than all other governors combined.

I'm talking about salary increases, the improvements in the insurance program that began in 1963, holidays, sick leave, personal leave and other fringe benefits. I have always demonstrated my concern for the hard working employees of this state.

I realize we still have some way to go to bring our teachers nearer to the national average. But I must remind you that we will have to live within our income of what we bring in to state government.

Also, there are more factors than just the education budget to consider when determining whether the education budget can be funded. You should carefully examine any legislation which impacts the dollars for education. Legislation providing fringe benefits for education and tax exemptions of various types have a serious impact on education dollars. My commitment to you is to veto any budget which I feel would be prorated. If you pass it over my veto, it will be necessary for me to declare proration effective October 1, 1986.

I further commit to working with you in this difficult task in any way possible. Together we can continue the precedent of the last three years—no prorated budgets. Let us continue to be the fiscally responsible administration that gave Alabamians the legacy of the Alabama trust fund, initiated educational opportunity for our kindergarten-age children, and provided unprecedented funds for educational capital outlay—all within available dollars without mortgaging the future of the coming generations to satisfy the whims of the present.

Unemployment Compensation

In January 1983 our unemployment compensation trust fund was $57 million dollars in debt—bankrupt! I called representatives from industry, labor and this legislature together to develop a bill to deal with the debt-riddled fund while increasing benefits to the unemployed. With your help we passed this legislation to repay the debt without any penalty on our business community and returned the fund to solvency. We have accomplished our mission—the debt has been paid and sufficient reserves have been established to ensure the financial stability of the trust fund.

On January 1, 1986, we removed the unemployment tax on our employees for unemployment compensation. This is the first time in history that there has been no unemployment tax imposed on our citizens. Also, the unemployment tax surcharge has been removed from industry.

Needless to say, I am pleased with this progress. But we can't stop here. We must continue to search for ways to assist our workers with the hardships caused by unemployment. Recently I have instituted negotiations that are aimed at further improvements in the benefits in case of unemployment. I am very hopeful to be able to recommend legislation in this session of the legislature which incorporates the agreements to be reached in these negotiations.

Highways

I want to mention just a word about how proud I am of our highway program in Alabama. At the present time we have the biggest highway program underway in the history of Alabama affecting virtually every county in the state.

I have always been a strong advocate of a good highway network and I realize how vital it is to the development of our full economic potential. During my four administrations and that of my late wife, Governor Lurleen, 520 miles of interstate have been placed under construction at a cost of 1 billion, 579 million dollars. This represents 57 percent of the total interstate system mileage and 73 percent of the total interstate cost in Alabama.

During my current administration there are several important highlights I would like to mention concerning highways.

..... The September 1984 highway letting had more highway projects than any other single letting in the history of the highway department.

..... In terms of projects let to contract, the 1984 fiscal year represented the largest single year's letting in a quarter of a century.

..... In December 1984, the last segment of the 32.5 mile interstate 459 Southern Bypass in Birmingham was opened to traffic.

..... Just last month, the final segment of interstate 65 was opened to traffic, marking an historic day in Alabama, as all through interstate routes in Alabama were open to traffic. That includes interstates 10, 20, 59, 65, and 85. That's a total of 839 miles.

..... And, finally, our highway letting this month is estimated to be the single largest dollar letting in our history and is expected to be about 90 million dollars.

In other words, because of the five-cent federal gas tax passed by Congress in 1982, millions of dollars was taken out of Alabama to Washington, thanks to your passage of the inspection fee, which was absolutely necessary, we are able to get our share of that money back to Alabama and have one of the best highway programs in the entire nation. And still, we have the lowest taxes per capita than any other state in the union.

Gasohol Exemption

There is, however, one adjustment I would like for you to consider in the matter of highway revenue. The 1980 state legislature set the tax on gasohol at three cents a gallon less than the tax on gasoline. This was done

at a time when it was thought there would be an oil shortage, which did not materialize the way it was expected. However, that subsidy for gasohol is still in effect.

There has been a big increase in gasohol sales in the past year and we have lost about 5.7 million dollars in highway revenues. And in the next two or three years, it is estimated we will lose some 50 to 75 million dollars a year if we don't correct this problem.

To protect the integrity of our highway program, I hope you will consider removing this three-cent gasohol exemption so that our five-year highway construction program will not be jeopardized.

Federal Cuts (Gramm-Rudman Legislation)

Earlier, I mentioned briefly the federal cuts that are affecting our state programs. The Gramm-Rudman legislation recently enacted by Congress calls for a balanced budget by 1991. The intent of this legislation may be nobel. However, the federal government plans to balance the budget on the backs of the poor people who depend on public assistance and social services.

There may be constitutional questions about this law, but if it goes into effect, the department of pensions and security alone will lose more than 2 million dollars this year in federal funds. That's money that goes for protective services for children, adoption, transportation and day care programs.

Next year, pensions and security could lose as much as 10 million dollars in federal funds. This loss of money will devastate the delivery of social services in the state.

There are other ways to reduce the federal deficit without cutting essential services to the poor and needy. It seems that we have forgotten that a nation that forgets its poor will lose its soul.

Now I am not talking about loafers and deadbeats. I'm talking about the truly needy and poor.

All of us agree that the federal deficit must be reduced. However, if they had listened to the people of Alabama and others who felt and thought like we did years ago, and if they had spent the money like it should be spent, there would have been plenty of money to carry on essential programs without these cuts that we are now seeing come to pass.

Loss of Food Stamp Sales Tax

Because of an ill-considered federal law which encroaches on the rights of the states—the recently passed farm bill—the food stamp program is in jeopardy in Alabama. A provision of this federal law forbids states, counties and municipalities from collecting sales tax on purchases made with food stamps. This sale tax is a vital source of revenue to local governments to pay for education, but the tax is also used to pay the state's share of the administrative cost of the food stamp program. We intend to fight this federal legislation through the courts, but if we lose, the state stands to lose nearly $23 million dollars. The food stamp program would lose $16 million dollars. If Alabama is to continue the food stamp program, we will have to find state money to fill this void.

Drugs

One of the most insidious evils ever to attack the people of this nation is the evil of drug abuse. It's a national problem that's going to require

action at the national level if we are ever going to solve it because states are not able to control it as it should be controlled.

We need the death penalty for the big drug operators, not just in Alabama but throughout the nation. Our attorneys tell us that we cannot enact the death penalty in Alabama for drug dealers without jeopardizing our entire death penalty and run the risk of having it declared unconstitutional.

But surely the justice department in Washington has enough constitutional lawyers to draft legislation to provide a death penalty that would be constitutional that would apply to major drug operators... And also a death penalty for those who engage in acts of terrorism, espionage and sabotage during peacetime. Sure and swift punishment is long overdue for those who would destroy our nation through drug trafficking... or murder our innocent citizens through acts of terrorism. We need to change our judicial system so that justice is obtained. And I say that justice delayed is justice denied.

In the meantime, we need to do all at the state level that we can do. In addition to increasing the penalty on drug operators, I am asking you to broaden the net of forfeiture and condemnation of property in drug raids. This should also apply to land.

A reasonable, prudent property owner with good sense should know whether marijuana is being grown on his land. If it is discovered, and there is reason to believe the property owner knew it was there, then that land, and the land contigious to where marijuana was being grown, should be confiscated, as well as any vehicles if plants are found in them.

We need to do more in the area of drug prevention and education. We need to increase our efforts in education, in community programs, in public awareness programs, and in the area of providing acceptable alternatives—especially for our young people—so that they will know they do not have to look to drugs in their search for excitement and enjoyment. But realize that drugs will eventually destroy their future and their very lives.

Prisons

The matter of new prisons has become a big financial drain, not just on our state but nearly every state in the union. We are all familiar with what's been happening in Tennessee recently. It seems that we have to build a new prison every year to keep up with the federal court requirements of so much space for every prisoner. If this trend continues, it's going to get to the point that it takes all our money to build comfortable prisons.

I know in world war two, we put up quonset huts for our soldiers to live in. I think all the states should join together and ask the justice department and the federal courts to allow us to do something similar to that to house prisoners, who certainly deserve no better than our servicemen did.

Lawsuits

Another very serious matter that should concern all of us is the astronomical court judgments being handed down in lawsuits recently. These awards have gone into the millions of dollars and have caused insurance costs to soar out of sight, and even caused curtailment of some necessary medical services.

In some cases, doctors are refusing to deliver babies, and some emergency medical services are being jeopardized for fear of malpractice suits.

Everybody is suing everybody else and the courts are jammed with all kinds of lawsuits . . . many of them frivilous.

Nobody wants victims to be unprotected, but judges and juries are handing out unbelievable judgments against people who did not create the problem in the first place, but who are thought to be financially able to pay large judgments.

When doctors see every patient as a potential lawsuit, and other professionals see every service or job as a potential malpractice hazard, it's time for something to be done. Too many qualified professionals are leaving their field of expertise because they cannot obtain malpractice insurance, or it's so high they can't afford it.

And it's not just doctors and midwives who are affected. We're also talking about engineers, accountants, educators, retail businesses, industries and manufacturers of products.

I'll tell you what's happening, trial lawyers are getting fat, and everybody else is paying through the nose.

In fact, one study in 1984, showed that in one non-medical field, lawyer's fees consumed an astonishing 63 percent of court damage awards.

And in the medical area, the number of malpractice cases in Alabama has doubled since 1980, and the average jury award has jumped from 57-thousand dollars to 1.9 million dollars in the last four years.

This is not just a medical problem. It's not just a business problem. It's everybody's problem because it's the people who have to pay for it in the long run.

I say it's time we take action to reduce the amounts of these judgments that will allow our people to continue to receive these important services.

Lottery

I want to say just a word about the matter of a lottery. If you will check the records, you'll find that when I was in the House of Representatives I sponsored the act that got rid of bookies and prohibits lottery in Alabama. I am still just as much against a lottery now as I was then.

I personally don't believe in gambling. I don't gamble myself, and I don't believe that the state should encourage working men and women to gamble away their hard earned dollars that they may need to feed and clothe their families.

We are admonished by God himself to refrain from such activity as gambling, so how can we, as a state in the Bible belt, encourage such activity by passage of legislation that puts the state in the lottery business.

A lottery is no way to solve the financial problems of the State of Alabama. It's a poor man's tax. It preys on the poor and offers a false hope of quick money to desperate people who need to spend what money they do have to support their families.

Supercomputer

One of the major accomplishments that I am proud of is the supercomputer. With the purchase of this major piece of equipment, this administration has stepped forward into the 21st century with a computer that can make

from 100 million to 500 million calculations per second. We are locating it in Huntsville so that our defense related industry can tie in directly without using external communication.

Alabama is blessed by having one of the finest high-tech centers in the nation located at Huntsville and this equipment will add much to that complex, and be of great benefit to our State.

At the same time, the supercomputer can be utilized by other private industry, our state government, and by all of our doctoral universities. In fact, we expect to obtain enough users for the computer to pay for its operation and maintenance.

Abortion Bill

It is unfortunate that healthy young women are having abortions in this state every day, while at the same time, couples who desperately want children of their own are unable to have them. Many couples want to adopt, but there are not enough healthy infants available. In this session, a bill will be introduced that will require abortion clinics in Alabama to tell young women who want abortions about the alternatives available to them. We will give these young women the opportunity to bring their babies into the world through licensed maternity homes, and these babies who otherwise will die will have the opportunity to grow up in loving adoptive homes.

Parental Notification

Also, the parental notification bill which you have been considering for sometime now, will be introduced this session. I urge you to go ahead and give consideration to this proposal in the interest of the safety and health of the young people of our state.

City-County Revenue

For sometime now you have been considering legislation to allow the cities and counties to share in the interest from oil and gas revenues from the Alabama trust fund. I hope you will approve this measure to allow 10 percent to the cities and 10 percent to the counties once the interest from this fund reaches $60 million dollars so that it can be distributed in a manner that the cities and counties desire.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

NOTICE IN WRITING

Rep. Clark (J) filed the following Notice in Writing:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule 1, on page 15, as follows:

Rule 1. The doorkeeper shall on meeting days, ~~one hour~~ thirty minutes before the session begins, clear the House of all persons not entitled to the

floor. The doors of the House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) For the purpose of this Rule, "press" means news gathering media or general news and not any trade or association.

(3) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

NOTICE IN WRITING

Rep. Clark (J) filed the following Notice in Writing:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule 30 on page 22 as follows:

Rule 30. When taking the yeas and nays the electrical roll call system may be used, and when so used, it shall have the same force and effect as a roll call taken viva voce.

When the House is ready to vote upon any question requiring a roll call and the vote is to be taken by the electrical roll call system, the Speaker shall announce: "The question is on (designating the matter to be voted upon). All in favor of such question shall vote 'yea', all opposed, 'nay'. The House will now proceed to vote."

The Clerk immediately shall start the vote-recording equipment and when every member has voted, he shall lock the machine, record the vote, and advise the Speaker of the result; the Speaker shall announce the vote to the House.

Any member shall be privileged to vote or change his vote after the vote-recording equipment has started to operate, by rising in his seat, obtaining recognition from the Speaker, and announcing his vote before the result of the vote has been announced by the Speaker.

No member shall vote for another member; nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member may be punished in such manner as the House may determine. If a person not a member votes or attempts to vote for any member, he shall be barred from the floor of the House for the remainder of the session, and he may be punished further in such manner as the House may deem proper.

NOTICE IN WRITING

Rep. Clark (J) filed the following Notice in Writing:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule 35 on page 25 as follows:

Rule 35. When microphones are attached to the individual desk of the Legislator, there must be a central panel for control of same. Before a microphone is activated by the person in charge of the microphones, the member must be recognized by the Speaker from his seat and upon recognition, his microphone is activated.

NOTICE IN WRITING

Rep. Clark (J) filed the following Notice in Writing:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend House Rule 4 on page 16 as follows:

Rule 4. ~~The presiding officer of the House alone shall introduce visitors in the House gallery. Such introductions shall be made at the request of any House member, but shall be made only at such time as not to interrupt or disturb the orderly transaction of the business of the House.~~

No introduction of visitors shall be made except by unanimous consent or resolution.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 4. RELATIVE TO MEETING DAYS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 6. CONGRATULATING MR. AND MRS. JESSE CLYDE JACKSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Amari, Little, and Aldridge.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

The President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Goodwin, Horn, and Strong.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Coleman:

H. J. R. 15. WHEREAS, the Legislature of Alabama has appropriated funds for the operations of local boards of education and the Department of Youth Services and the Alabama Institute for Deaf and Blind; and

WHEREAS, among other line items, funds are provided for Other Current Expenses to maintain operations of facilities and to provide for the employment of janitors, custodians, clerks, lunchroom workers, carpenters, secretaries, and other support personnel; and

WHEREAS, among other line items, funds are provided for Transportation of students to maintain buses and to provide for the employment of bus drivers and mechanics and other support personnel; and

WHEREAS, in the development of budgeting decisions concerning salary levels and requirements for salary increases for support personnel, oftentimes such decisions are based on estimates of employment levels and practices at the local level; and

WHEREAS, insufficient data is maintained by the Alabama State Department of Education concerning the employment levels and practices of support personnel at the local boards of education and the Department of Youth Services and the Alabama Institute for the Deaf and Blind to enable the best possible fiscal decisions by the Alabama Legislature in the budgeting process;

NOW THEREFORE BE IT RESOLVED by the Alabama House of Representatives, the Senate concurring, that the Alabama State Department of Education is hereby directed to conduct a survey of all employment levels and all employment practices of support personnel at the local boards of education and the Department of Youth Services and the Alabama Institute for the Deaf and Blind for the 1984-85 and 1985-86 years.

BE IT FURTHER RESOLVED by the Alabama House of Representatives, the Senate concurring, that said survey shall cover every aspect surrounding support personnel employment practices at the local boards of education and the Department of Youth Services and the Alabama Institute for the Deaf and Blind including but not limited to the following:

a) Categories and/or classifications of each different type of support personnel employed at each local board, department and institute;

b) Number of employees in each category and/or classification at each local board, department, and institute identified by race, age, sex, position, and level;

c) Annual salary level of each support person employed at each local board;

d) Length of contract or term of employment for each category and/or classification of support personnel employed;

e) Annual salary ranges for each category and/or classification of support personnel at each local board, department and institute equated to an annual salary of 10, 11, and 12 months, indicating the number of hours per day and number of days per year of employment;

f) Training in the field of service and education required by each local board, department and institute for the employment of each category and/or classification at each level for support personnel;

g) Number of years of continuing service credited to each support person at each local board, department and institute for the placement of such persons on salary schedules;

h) Policies of each local board of education and the Department of Youth Services and the Alabama Institute for the Deaf and Blind governing the employment of support personnel and placement on salary schedules;

i) Any and all other information relative to the employment of support personnel which may be an aid to the Legislature in the development of budget considerations;

BE IT FURTHER RESOLVED by the House of Representatives, the Senate concurring, that the Alabama State Department of Education shall utilize said survey results for development of a report or several reports and such reports shall be made available to the Legislature and all interested parties including the state organization representing the greatest number of support personnel employees of the local boards, departments and institute no later than the first day of the 1987 Regular Session of the Alabama Legislature.

BE IT FURTHER RESOLVED by the Alabama House of Representatives, the Senate concurring, that the Alabama State Department of Education shall utilize such survey results to establish an information bank at the Alabama State Department of Education;

BE IT FURTHER RESOLVED by the Alabama House of Representatives, the Senate concurring, that the Alabama State Department of Education shall annually conduct similar surveys and/or require annual reporting by local boards, department and institute for the continuous maintenance and updating of said information bank.

BE IT FURTHER RESOLVED by the Alabama House of Representatives, the Senate concurring, that the data contained in such information bank shall be made available upon request to any and all interested parties including the organization representing the greatest number of support personnel employed by the local boards of education and the Department of Youth Services and the Alabama Institute for the Deaf and Blind.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

By Rep. Pratt:

H. J. R. 16. CONGRATULATING MR. AND MRS. C. T. PENNY OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, October 5, 1985, of Mr. and Mrs. C. T. Penny of Bluff Park in Birmingham, Alabama; and

WHEREAS, in the sight of God, Mr. and Mrs. Penny were joined in wedlock on October 5, 1935, in Birmingham, Alabama, by the Reverend Theodore Harris, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mrs. Penny, who is the former Evelyn Gerald, is a retired employee of John-Ridout's Elmwood Chapel and Mr. Penny is retired from the Federal Reserve Bank; and

WHEREAS, Mr. and Mrs. Penny, the parents of Gerrie Penny and Mrs. Camellia Wright, and the proud grandparents of Susan, Mary Evelyn and Wendy Wright, were honored on this momentous occasion at a gala 50th Wedding Anniversary Tea on October 5, 1985, at Bluff Park United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. C. T. Penny, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Penny that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Rep. Pratt:

H. J. R. 17. COMMENDING RETIRED POLICE CHIEF, ROBERT LOVE, OF PLEASANT GROVE, ALABAMA.

WHEREAS, the Legislature of Alabama notes, with highest commendation, the outstanding law enforcement career of Robert Love of Pleasant Grove, Alabama, who retired, officially, October 31, 1985, as Chief of Police of said municipality; and

WHEREAS, Chief Love, whose distinguished career spanned a period of 31 years, had served for 13 years as Pleasant Grove's chief law enforcement officer; he previously was associated with the police departments of Mountain Brook and Fairfield and with the Jefferson County Sheriff's Department; and

WHEREAS, during his tenure with the Pleasant Grove Police Department, Chief Love was highly successful in suppressing the crime rate through the establishment of preventive measures such as a house-watch system and a system to assist merchants prevent robberies; and

WHEREAS, other highlights of Chief Love's career include his infiltration, in 1958 in cooperation with the U.S. Treasury Department, of a lottery ring in Jefferson County, and his instrumental role in solving a murder case in which the victim's life was covered by some 13 insurance policies; and

WHEREAS, Chief Love's longtime career as a police officer was indeed outstanding, both in length of service and in achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend retired Police Chief Robert Love and direct that he receive a copy of this resolution expressing our sincere warm praise and best wishes for every continuing success in life.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Reps. Burke, Ford, Lindsey, Bugg, Rains and Junkins:

H. J. R. 18. DESIGNATING THE TABOR ROAD IN DISTRICT NO. 2 OF ETOWAH COUNTY, ALABAMA; HIGHWAY 3, CONNECTING WITH ETOWAH COUNTY'S TAYLOR ROAD AND ALABAMA HIGHWAY 176 IN CHEROKEE COUNTY, ALABAMA; AND STATE HIGHWAY 176 FROM ALABAMA HIGHWAY 68 TO DOGTOWN, COUNTY ROUTE 85 FROM DOGTOWN TO STATE HIGHWAY 117 AT MENTONE AND COUNTY ROUTE 177 FROM STATE HIGHWAY 117 AT MENTONE TO THE GEORGIA STATE LINE, ALL IN DeKALB COUNTY, AS A PART OF THE PROPOSED LOOKOUT MOUNTAIN PARKWAY OF ALABAMA, GEORGIA AND TENNESSEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in response to the official support of the Etowah, Cherokee and DeKalb County Commissions, and the wishes of the citizens of said counties, we hereby name and designate the Tabor Road in District No. 2 of Etowah County, Alabama; Highway 3,

connecting with Etowah County's Taylor Road and Alabama Highway 176 in Cherokee County, Alabama; and State Highway 176 from Alabama Highway 68 to Dogtown, County Route 85 from Dogtown to State Highway 117 at Mentone and County Route 177 from State Highway 117 at Mentone to the Georgia state line, all in DeKalb County, as a part of the proposed Lookout Mountain Parkway of Alabama, Georgia and Tennessee.

BE IT FURTHER RESOLVED, That copies of this Legislative designation be forwarded to the Etowah, Cherokee and DeKalb County Commissions.

On motion of Rep. Burke, the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 19. COMMENDING LOUISE HENSHAW FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 20. COMMENDING JAMES W. BRANDON FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 21. COMMENDING ANN WILLMON FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 22. COMMENDING ELBERTA PAGE FOR OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolutions were introduced:

By Rep. Campbell:

H. J. R. 23. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF REVENUE RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on November 14, 1985, the Joint Committee on Administrative Regulation Review met, studied the proposed amendment of the Department of Revenue's Rule No. 810-6-1-.125, relating to:

> the ascertainment, assessment and collection of the State sales tax on gross receipts arising from the sale of T.V. and radio rights in conjunction with athletic events,

published September 30, 1985, in Volume III, No. 12, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed amendment; and

WHEREAS, pursuant to the Alabama Administrative Procedure Act, each member of both Houses of the Legislature has been provided a copy of said proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Department of Revenue's proposed amendment by the Joint Committee on Administrative Regulation Review are hereby sustained.

The resolution, H. J. R. 23, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Campbell:

H. J. R. 24. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF HEALTH RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, on September 11, 1985, the Joint Committee on Administrative Regulation Review met, studied the proposed amendment of the Department of Health's Chapter 420-7-2 (Appendix) Controlled Substances List, relating to:

> anabolic substances promoting constructive metabolism; the naturally occurring androgens or derivatives of androstane (androsterone and testosterone); testosterone and its esters, including, but not limited to, testosterone propionate, and its derivatives, including, but not limited to, methyltestosterone,

published August 30, 1985, in Volume III, No. 11, of the "Alabama Administrative Monthly," and after consideration, disapproved and suspended the proposed amendment; and

WHEREAS, pursuant to the Alabama Administrative Procedure Act, each member of both Houses of the Legislature has been provided a copy of said proposed amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Department of Health's proposed amendment by the Joint Committee on Administrative Regulation Review are hereby sustained.

The resolution, H. J. R. 24, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 5, heretofore adopted, the House adjourned until 9:00 o'clock a.m., Thursday, January 16, 1986.

SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, January 16, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Paul Balducci, Woodley Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 25. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, January 16, 1986, that we adjourn to meet again on Tuesday, January 21, 1986.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 25, was adopted.

MOTION FOR MEETING TIME

On motion of Rep. Johnson (Roy), when the House adjourns today, it adjourns to meet again on Tuesday, January 21, 1986 at 4:00 o'clock p.m.

RESOLUTIONS

The following resolution was introduced by Reps. Turner, Gaston and Buskey (James):

H. J. R. 26. NAMING A PORTION OF U.S. HIGHWAY 98 IN MOBILE COUNTY, ALABAMA, THE "MOFFETT ROAD."

WHEREAS, U.S. Highway 98 from Springhill Avenue in Mobile, Alabama, to the Mississippi state line follows the old road that is widely known as Moffett's Ferry Road which, over the years, has been spelled and listed a variety of ways; and

WHEREAS, Highway 98, however, passes through the Moffettville Community in west Mobile County where many of the descendants of the original settlers of the area still reside; and

WHEREAS, it is therefore deemed both fitting and proper that this portion of Highway 98 be named "Moffett Road" in honor of these citizens' heritage, and that the name of said road be spelled "M-O-F-F-E-T-T" as is the family name of the Moffettville Community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of U.S. Highway 98, from Springhill Avenue in Mobile, Alabama, to the Mississippi state line is hereby named and designated as the "Moffett Road."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Moffett Road."

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 26, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Johnson (Roy) and Drake:

H. R. 27. COMMENDING THE CLASS OF 1934, THOMAS GOODE JONES SCHOOL OF LAW.

Also:

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 28. COMMENDING THE CLASS OF 1934, THOMAS GOODE JONES SCHOOL OF LAW.

WHEREAS, a number of the surviving members of the first graduating class of the Thomas Goode Jones School of Law in Montgomery, Alabama, the Class of 1934, are scheduled to gather at a reception and banquet on January 25, 1986, in Montgomery, honoring all past graduates of the Jones School of Law, formerly known as Jones Law School and as Jones Law Institute; and

WHEREAS, the law school is named in honor of Thomas Goode Jones (1844-1914), an officer in the Army of the Confederate States of America,

bearer of General Robert E. Lee's flag of truce to General Grant at Appomattox Court House, lawyer, Speaker of the Alabama House of Representatives, two-term Governor of Alabama, U. S. District Court Judge, member of the Alabama Constitutional Convention of 1901, and author of the Alabama Lawyer's Code of Ethics, which was used as the principal draft of the current Code of Professional Responsibility of the American Bar Association; and

WHEREAS, the law school was founded in 1928 in Montgomery, Alabama, by the son of Thomas Goode Jones, the late Walter Burgwyn Jones (1888-1963) of Montgomery, Presiding Judge of the 15th Judicial Circuit of Alabama (1920-1963), founding editor in 1940 of The Alabama Lawyer, official organ of the Alabama State Bar, and President of the Alabama State Bar, 1954-55; Judge Jones was widely acclaimed as a jurist and legal scholar whose most noted publications include Alabama Practice and Forms, 1947, and Alabama Jury Instructions, 1953; and

WHEREAS, through the efforts of Judge Walter Burgwyn Jones, and a dedicated and professional faculty down through the years, the Jones School of Law has achieved a reputation as an outstanding law school; and

WHEREAS, the faculty of the Jones School of Law have been recognized as practicing attorneys of great skill and calibre who have consistently maintained the highest degree of professionalism both within the classroom and without, and who have been moved to give of their time and energies because of their love of the law, and through a desire to help ambitious men and women in the study of law; and

WHEREAS, over the years, many graduates of the Jones School of Law have gone on to achieve distinguished and successful careers in the practice of law, with a number serving in positions of public service in the judiciary and other branches of government, while many have made significant contributions in the field of business; and

WHEREAS, during its long history of service as an evening law school, the Jones School of Law has provided a quality legal education at a reasonable cost to untold numbers of citizens of the State of Alabama, and it is both appropriate and desirable that recognition be made of the gathering of the members of the Class of 1934 of the Jones School of Law who, by hard work, sacrifice, dedication, and a desire to achieve, pioneered the concept of an evening law school in Alabama's capital city; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby recognize, congratulate, and commend the Class of 1934 of the Jones School of Law, along with other Jones School of Law alumni, gathered on January 25, 1986, for their contributions to the legal profession and their great service down through the years to the people of the State of Alabama.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 28, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

H. J. R. 3. RELATIVE TO A JOINT SESSION FOR THE PURPOSE OF HEARING THE MESSAGE OF THE HONORABLE GEORGE C. WALLACE.

Also:

H. J. R. 4. RELATIVE TO MEETINGS DAYS.

Also:

H. J. R. 6. CONGRATULATING MR. AND MRS. JESSE CLYDE JACKSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Clark (J):

H. R. 29. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House are amended, as follows:

Rule 1. The doorkeeper shall on meeting days, ~~one hour~~ thirty minutes before the session begins, clear the House of all persons not entitled to the floor. The doors of the House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) For the purpose of this Rule, "press" means news gathering media or general news and not any trade or association.

(3) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

On motion of Rep. Clark (J), the resolution, H. R. 29, was adopted.

Also:

By Rep. Clark (J):

H. R. 30. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House be amended, as follows:

Rule 4. ~~The presiding officer of the House alone shall introduce visitors in the House gallery. Such introductions shall be made at the request of any House member, but shall be made only at such time as not to interrupt or disturb the orderly transaction of the business of the House.~~

No introduction of visitors shall be made except by unanimous consent or resolution.

MOTION TO ADOPT

Rep. Clark (J) offered the motion to adopt the resolution, H. R. 30.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Coleman to temporarily postpone consideration of the resolution, H. R. 30, was adopted.

Yeas 51; Nays 13.

Yeas:

Albright, Black, Blake, Blakeney, Bowling, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (D), Coleman, Crow, Faulk, Fuller, Gray, Grayson, Grouby, Hall, Hammett, Junkins, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Mitchell, Moore, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Pratt, Rains, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turnham, White (G) and White (L)

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Nays:

Beasley, Carothers, Clark (J), Coburn, Cosby, Harper, Holley, Johnson (RG), Mathis, Reed, Richardson, Turner and Venable

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NOTICE IN WRITING

Rep. Holley filed the following Notice in Writing:

NOTICE IN WRITING OF MOTION TO AMEND RULES

Notice is hereby given in accordance with the House Rule 7 that on the next legislative day a motion will be made to amend House Rule 50 as follows:

"Rule 50. When the chairman of a committee is absent, the vice-chairman, if any, if not the member whose name appears next on the committee, shall, during the absence of the chairman, become chairman, and have power to call together the committee for the consideration of bills. A majority of the committee shall constitute a quorum for the transaction of business provided, however, that this limitation shall not apply to uncontested local bills being considered by one of the local legislative committees.

"A majority of the members of a committee may call a meeting of the committee at any time by giving each member a minimum of two (2) legislative days' notice and by posting on the Committee Announcement Board in the House Chamber a notice of such meeting. Such notice shall give the date, place and time of the meeting, shall be signed by each of the members so calling the meeting and the total number so signing shall be at least a majority of the whole membership of the committee. Such notice shall be posted at least two (2) legislative days in advance of the time set for the meeting.

"Further, a committee may not take action on a bill except when said committee is in session, and this provision may not be waived by a majority signing petitions or other procedural documents.

"Provided further that, as to bills relating only to Madison or Montgomery County, a majority of the members of the House representing portions of the respective county to which a particular bill relates shall constitute a quorum of the Legislation No. 4 Committee.

"Provided further, that the chairperson of any committee other than the Rules Committee shall give at least one calendar day's written notice of any bill to be considered by his or her committee at its next meeting and such notice shall be in the form of an agenda for such meeting."

RESOLUTIONS

The following resolutions were introduced:

By Rep. Clark (J):

H. R. 31. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House are amended, as follows:

Rule 30. When taking the yeas and nays the electrical roll call system may be used, and when so used, it shall have the same force and effect as a roll call taken viva voce.

When the House is ready to vote upon any question requiring a roll call and the vote is to be taken by the electrical roll call system, the Speaker shall announce: "The question is on (designating the matter to be voted upon). All in favor of such question shall vote 'yea', all opposed, 'nay'. The House will now proceed to vote."

The Clerk immediately shall start the vote-recording equipment and when every member has voted, he shall lock the machine, record the vote, and advise the Speaker of the result; the Speaker shall announce the vote to the House.

Any member shall be privileged to vote or change his vote after the vote-recording equipment has started to operate, by rising in his seat, obtaining recognition from the Speaker, and announcing his vote before the result of the vote has been announced by the Speaker.

No member shall vote for another member; nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member may be punished in such manner as the House may determine. If a person not a member votes or attempts to vote for any member, he shall be barred from the floor of the House for the remainder of the session, and he may be punished further in such manner as the House may deem proper.

MOTION TO ADOPT

Rep. Clark (J) offered the motion to adopt the resolution, H. R. 31.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Hall to postpone consideration of the resolution, H. R. 31, to the fourth legislative day, was lost.

Yeas 30; Nays 40.

Yeas:

Albright, Black, Blakeney, Britnell, Bryant, Bugg, Buskey (JE), Butler, Clark (D), Grayson, Hall, Holley, Johnson (RW), Martin, McDowell, McMillan, Onderdonk, Payne, Penry, Perdue, Pratt, Rains, Rice, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham and White (L)

—30

Nays:

Mr. Speaker, Adams, Beasley, Beers, Blake, Bowling, Burke, Campbell, Carothers, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Fuller, Gaston, Gray, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, Mathis, McNair, Mitchell, Moore, Newman, Reed, Richardson, Smith, Starr, Turner and Zoghby.

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RESOLUTION ADOPTED

The question was then on the motion offered by Rep. Clark (J) to adopt the resolution, H. R. 31, and the resolution was adopted.

Yeas 42; Nays 21.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Britnell, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Fuller, Gaston, Gray, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Lauderdale, Lindsey, Martin, Mathis, McDowell, McNair, Mitchell, Newman, Preuitt, Rains, Richardson, Starkey, Starr, Turner, Venable and Zoghby.

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Nays:

Albright, Black, Blakeney, Bryant, Buskey (JE), Clark (D), Holley, Holmes, McMillan, Onderdonk, Payne, Penry, Perdue, Reed, Rice, Seibels, Smith, Spratt, Thomas, Turnham and White (L).

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Also:

By Rep. Clark (J):

H. R. 32. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House are amended as follows:

Rule 35. When microphones are attached to the individual desk of the Legislator, there must be a central panel for control of same. Before a

microphone is activated by the person in charge of the microphones, the member must be recognized by the Speaker from his seat and upon recognition, his microphone is activated.

On motion of Rep. Clark (J), the resolution, H. R. 32, was adopted.

Yeas 51; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Britnell, Bugg, Burke, Buskey (JE), Campbell, Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Gaston, Gray, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, Mathis, McMillan, Moore, Newman, Onderdonk, Parker, Payne, Perdue, Preuitt, Reed, Rice, Richardson, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (L) and Zoghby.

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Nays: Reps. Albright, Grayson and Hall. —3

Also:

By Rep. Holmes:

H. J. R. 33. WHEREAS, the Legislature of Alabama enacted a law making Martin Luther King, Jr. Birthday a state holiday in the State of Alabama; and

WHEREAS, the printed 1986 State Calendar has excluded the birthday of Martin Luther King, Jr., now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request the Governor of Alabama to recall the 1986 calendars and re-issue new ones, including the birthday of Martin Luther King, Jr.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

By Rep. Pratt:

H. R. 34. WELCOMING CRISTA CARNS, ALABAMA'S JUNIOR MISS.

WHEREAS, The Alabama House of Representatives warmly welcomes Crista Carns, Alabama's reigning Junior Miss, and

WHEREAS, the lovely Miss Carns of Jefferson County and now of Mountain Brook, Alabama, attended Mountain Brook High School where she was involved in numerous school related and extra-curricular activities; and

WHEREAS, Crista's areas of participation and involvement included membership and service in many scholastic, church, civic and community organizations, and she is the recipient of a number of awards and honors bestowed in recognition of outstanding achievement and accomplishments; and

WHEREAS, Crista Carns, as Alabama's Junior Miss of 1985; indeed exemplifies the ideals of the Junior Miss program, and possesses such admirable attributes as scholastic excellence, talent, creativity, poise and warmth of personality; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we hereby most highly commend Alabama's 1985 Junior Miss, Crista Carns; we welcome her visit to the House Chamber; we further wish her every future success in life;

BE IT FURTHER RESOLVED That Miss Carns receive a copy of this resolution, executed in warmest personal regard of her many outstanding accomplishments and of her outstanding representation of the State of Alabama during her prestigious reign.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. R. 34, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Rice and Laird:

H. R. 35. COMMENDING MR. LORREN LASLIE PERDUE AND NAMING HIM THE DEAN OF REAL ESTATE EDUCATION IN ALABAMA.

Also:

By Rep. Butler:

H. R. 36. COMMENDING BETTY BENSON OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Also:

The following resolution was introduced:

By Rep. Harper:

H. J. R. 37. INVITING THE HONORABLE DAVID E. NETHING TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, David E. Nething, elected to the North Dakota Senate in 1966, has served as Senate Majority Leader since 1974; he currently is a member of the Legislative Council, serves on several major legislative committees, and is chairman of the Interim Committee on Industry, Business and Labor; and

WHEREAS, Senator Nething further is a member of the Executive Committee of The Council of State Governments and is president-elect of the National Conference of State Legislatures; and

WHEREAS, he also is a member of the Executive Committee of the National Republican Legislators Association, which honored him in 1982 as "Legislator of the Year," and serves by appointment of President Reagan on the Advisory Commission on Intergovernmental Relations; and

WHEREAS, Senator Nething's involvement on the national level extends to include membership on the National Advisory Panel to ACIR "The States and Distressed Communities Project," ACIR liaison member to Administrative Conference of the United States, and membership on Secretary Regan's "Unitary Tax Working Group"; and

WHEREAS, as a practicing attorney, Senator Nething is associated with a number of professional organizations and is a prominent civic and community leader in his hometown, Jamestown, North Dakota; and

WHEREAS, David E. Nething is a distinguished public servant whose vast experience and knowledgeability provide a keen and comprehensive insight into many vital issues faced by the states' legislatures; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to State Senator David E. Nething of North Dakota to address the Alabama Legislature on January 23, 1986, on which date and at a time to be set, the Legislature shall convene in joint session to hear Senator Nething's remarks.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to forward a copy of this resolution to Senator Nething, in invitation to address the Legislature and in hopeful anticipation of his acceptance.

On motion of Rep. Harper, the rules were suspended and the resolution, H. J. R. 37, was adopted.

Also:

By Rep. Richardson:

H. J. R. 38. MOURNING THE DEATH OF EUGENE E. DUTTON OF HOLLYWOOD, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Eugene E. Dutton of Hollywood, Alabama, on September 7, 1985, at the age of 83 years; and

WHEREAS, a former Mayor of Hollywood, Eugene Dutton first served in said capacity from 1952 until 1956, at which time he accepted a position with the State Department of Agriculture and Industries in Montgomery; and

WHEREAS, he was appointed and again served as Mayor from 1970-1972; he was elected to the office in 1972 and served in municipal leadership until his retirement on September 30, 1980; and

WHEREAS, during his terms in office, Mayor Dutton was instrumental in numerous achievements on behalf of the City of Hollywood including the acquisition of the new municipal building in 1978; and

WHEREAS, Mayor Dutton also was a member of TARCOG (Top of Alabama Regional Council of Governments) for 13 years; he further served on the Council's board of directors from 1974 to 1984, and earned the distinction of being the only person, while a member of the board, to attain a perfect attendance record; and

WHEREAS, in the death of Mayor Eugene E. Dutton, the Hollywood community has indeed suffered a great and grievous loss of an outstanding leader, a loyal friend and a distinguished public servant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Eugene E. Dutton of Hollywood, Alabama, and extend heartfelt sympathy to his beloved wife, Mrs. Marguerite C. Dutton; to his daughter, Mrs. Linda D. Derrick; sons, Eldridge (Buddy), Phillip and Tony Dutton; and to other family members whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 38, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Johnson (RW):

H. 221. To amend Code of Alabama 1975, §13A-5-40(a)(5) to provide that murder of a law enforcement officer or prison or jail guard on duty is a capital offense regardless of whether the defendant knew or should have known that the victim was an officer or guard on duty; to state the need for such an amendment; to provide for severability; to provide an effective date.

COMMITTEE ON JUDICIARY

By Reps. Smith, Moore, Gray, Crow, Richardson, Blake, Clark (J), Bowling, Blakeney and Johnson (RW):

H. 222. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Committee on Ways and Means.

By Reps. Blakeney, Lauderdale, Onderdonk, Burke, Clark (D), Starkey, Smith, Hooper, Bryant and Crow:

H. 223. To provide that any State commander of a veterans organization shall be entitled to a distinctive auto license plate; to provide for the distribution of said tag; and to provide that said tag shall be issued free of all fees and taxes.

Committee on Ways and Means.

By Rep. Blake:

H. 224. To amend Section 14-3-9, Code of Alabama 1975, relating to the reporting of violations of law and arrest powers by and for Department of Corrections personnel, so as to provide certain specified employees of the Department of Corrections with full and unlimited police powers and jurisdiction as any other state police officer.

Committee on Judiciary.

By Rep. Laird:

H. 225. To amend section 36-27-42, Code of Alabama 1975, relating to credit for prior service for certain members of the employees' retirement

system who were members of the system on October 1, 1974, so as to reopen said system to certain employees who were in service on October 1, 1975.

Committee on Ways and Means.

By Rep. Laird:

H. 226. To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of theft laws of the State of Alabama wherein timber or lumber are the stolen items.

Committee on Judiciary.

By Reps. Junkins and Bugg:

H. 227. To name and designate the college resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College as Gadsden Community College.

Committee on State Administration.

By Rep. Turner:

228. To amend S 40-21-58 of the Code of Alabama to further define the term telephone business.

Committee on Public Utilities and Transportation.

By Rep. Turner:

H. 229. To require that funds of all public educational institutions shall be deposited in accounts which will bear interest.

Committee on Ways and Means.

By Reps. Coleman and Newman:

H. 230. To require the Department of Pensions and Security to charge a fee for the processing of an application for a license or approval to operate a child care facility and a fee for a change in a license or approval to operate a child care facility. To provide that no fee shall be charged for the processing of an application for a license or approval to operate a foster family home, child care institution, institution for child care or group home. To require that said fees shall be deposited in the State Treasury to the credit of the State Public Welfare Trust Fund.

Committee on Public Welfare.

By Rep. Turner (With Notice and Proof):

H. 231. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner and other elected officials in Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL H. B. 231, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 232. Relating to Mobile County, amending Section 1 of Act No. 478, H. 635 of the 1983 Regular Session of the Legislature (Acts 1983, p. 670), authorizing and empowering the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carriers for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 232, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 233. Relating to Mobile County; mandating that the county health department shall make provisions for a mobile rabies vaccination unit to visit residences in the unincorporated areas of the county on an annual schedule; prescribing certain fees for such vaccinations and providing for the disposition of such fees.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 233, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turner and Richardson:

H. 234. To exempt the Volunteers of America from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. White (L):

H. 235. To require the Department of Pensions and Security to charge a fee of $20.00 (Twenty Dollars) per hour to be assessed as costs against the parties for investigation services performed in any cases involving divorce or divorce modifications.

Committee on Judiciary.

By Reps. Turner and Gaston:

H. 236. To further amend Section 40-9-12, Code of Alabama 1975, as last amended, so as to add the United States Sports Academy, a non-profit corporation, as an organization to which its tax exemption provisions apply.

Committee on Ways and Means.

By Reps. Junkins, Coleman, Burke, Newman, Martin, Lindsey, and Crow:

H. 237. To amend Sections 16-25-14 and 36-27-16, Code of Alabama 1975, to provide that upon the death of a member of the teachers' or

employees' retirement systems who is eligible for a service retirement allowance, but has opted to continue in active service, such member's surviving spouse shall receive an allowance in an amount that would have been payable if the member had retired immediately prior to death under option 2, thus this change will allow such spouse to receive a greater allowance than would be provided under option 3 as the law currently provides in such situations.

Committee on Ways and Means.

By Reps. Coleman and Drake:

H. 238. To provide for additional retirement benefits for certain retired circuit judges who have served, or shall serve, a total of at least six years on full-time active duty status with an appellate court of this state; to provide that such benefits shall be at the election of such retired circuit judges after completing such six years or more of such active duty status; to prescribe eligibility requirements for such benefits and to require that, before such benefits may be paid, such retired circuit judges shall pay a certain amount of money into the judicial retirement fund of this state.

Committee on Ways and Means.

By Rep. Newman (With Notice and Proof):

H. 239. Relating to Fayette County; providing for an additional expense allowance for the county coroner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 239, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey, Gaston, Grouby, Hettinger and Clark (D):

H. 240. To transfer the Alabama rapid rail transit commission from the department of economic and community affairs to the highway department.

Committee on State Administration.

By Rep. Turnham:

H. 241. To amend 40-21-60 of the Code of Alabama to further define the term express company.

Committee on Public Utilities and Transportation.

By Rep. Turnham:

H. 242. To provide for the protection of the children of the State of Alabama by insuring that the Family and Children Services Division of the Department of Pensions and Security will be capable of serving children in need of emergency support.

Committee on Public Welfare.

By Rep. Turnham:

H. 243. To provide for the foster children of the state of Alabama an annual school clothing and supplies allowance.

Committee on Ways and Means.

By Rep. Turnham:

H. 244. Providing further for the monthly boarding payment made by the State Department of Pensions and Security for keeping a foster child and to provide that it shall be based on the cost of living index.

Committee on Ways and Means.

By Reps. Hooper, Johnson (Roy), Zoghby, Thomas, Biddle, Holley, Cosby, Smith, Grouby, Drake, Turnham, Gaston, Harper, Kvalheim, Butler, McMillan, Blakeney, Onderdonk, Laird, Penry, Box, White (L), Fuller, Buskey (James), McNair, Faulk, Beasley, Mathis, Johnson (RG), Hammett, Venable, Preuitt, Adams, Reed, Mitchell, Rogers, Davis, Gray, Seibels, White (G), Martin, Payne, Newman, Coleman, Junkins, Lindsey, Hall, Hettinger, Lauderdale, Carter, Burke, Richardson, Turner, Starr, Buskey (John) and Holmes:

H. 245. To authorize the establishment of "enterprise zones," pursuant to federal tax and other incentives in order to promote job creation and economic development; to provide for the manner of creating the first three zones hereby authorized; to end incentives 10 years following the effective date of this act; to provide for the duties and authority of the Alabama Department of Economic and Community Affairs, the Alabama Industrial Development Board, the Commissioner of the Department of Revenue, and the local governing bodies; to provide the requirements for participation; to provide for state and local tax and nontax incentives; and to provide with respect to financing, for financial assistance to municipalities and individuals and businesses under any act of the Congress of the United States heretofore or hereafter enacted.

Committee on Ways and Means.

By Rep. Starr:

H. 246. To amend Sections 34-33-1 and 34-33-9 of the Code of Alabama 1975, as last amended, which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of "Fire Protection Sprinkler Contractor and Fire Protection Sprinkler System"; and to provide further for regulations by municipalities.

Committee on Local Government.

By Reps. Martin, Drake, and Parker (With Notice and Proof):

H. 247. Relating to Morgan County; providing further for the expense allowances of the chairman and the members of the county commission; and repealing conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 247, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Richardson (With Notice and Proof):

H. 248. Relating to selling and redemming lands for taxes in Jackson County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 248, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne:

H. 249. To amend Section 11-42-41 of the Code of Alabama 1975 relating to procedures for annexing territories, so as to provide further for such procedures.

Committee on Local Government.

By Reps. Carothers and Johnson (RG):

H. 250. To amend Section 16-22-3, Code of Alabama, 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Committee on Health.

By Rep. Cosby:

H. 251. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Committee on Insurance.

By Rep. Cosby:

H. 252. To amend Section 32-7-23, Code of Alabama 1975, which relates to uninsured motor vehicle liability insurance policies issued in this state, so as to provide that property damage coverage must be offered as separate coverage to the said uninsured liability insurance policies on all new policies issued on or after the effective date of this act; to provide for certain minimum and maximum policy limits for such coverage and for a deductible amount for such property damage coverage; to define the term "property damage"; to provide that such deductible amount shall not apply in certain situations; and to limit recovery for property damage to that which is not primarily recovered by the insured under comprehensive or collision coverage; effective January 1, 1987.

Committee on Insurance.

By Rep. Cosby:

H. 253. To permit local boards of education and the Alabama Institute for Deaf and Blind to use a part of their kindergarten teacher unit funds under certain conditions to employ teacher aides to assist with the kindergarten instructional program based upon criteria established by the state superintendent of education and with his prior approval.

Committee on Education.

By Rep. Cosby:

H. 254. To exempt Valley Grande Community Center in Dallas County, Alabama, from the payment of all state, county and municipal ad valorem, sales and use taxes.

Committee on Ways and Means.

By Rep. Buskey (John):

H. 255. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Ways and Means.

By Reps. Buskey (John), Buskey (James), Davis, Melton, and Grayson:

H. 256. Requiring counties and municipalities of over 2,000 population to adopt final plans for hereafter electing members of their respective governing bodies from single-member districts no later than January 1, 1988.

Committee on Local Government.

By Rep. Venable:

H. 257. Proposing an amendment to the Constitution of Alabama of 1901, as amended, relating to compensation, expense allowances or services to be provided by any county or municipal government or by any non-state agency.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Reps. Harper, Turner, and Box (With Notice and Proof):

H. 258. Relating to Mobile County, requiring the county governing body to pay from the county general fund, or from any county fund designated for roads and bridges, a portion of the expense, or the entire expense, of relocating, removing, or replacing certain water or gas pipes and lines owned by rural or municipal water or gas authorities or systems when such relocation, removal or replacement is required or made necessary by public road maintenance, construction, bridge repair or replacement undertaken by the County of Mobile; and repealing conflicting laws.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 258, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (With Notice and Proof):

H. 259. Providing for the distribution of a portion of the proceeds of the motor vehicle license and registration fees and proceeds of state gasoline taxes between Mobile County and the municipalities located therein.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 259, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 260. To amend Section 16-28-3, Code of Alabama, 1975, relating to ages of children required to attend school, so as to require a change in the age levels necessary to attend school from 7-16 to 6-16 years.

Committee on Education.

By Rep. Harper (With Notice and Proof):

H. 261. To provide for the repeal of Act No. 476, H. 638, Regular Session 1967, relating to the distribution of a portion of the proceeds of the motor vehicle license and registration fees and the proceeds of state gasoline taxes in Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 261, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell:

H. 262. To authorize any county commission to establish the office of supernumerary county commissioner; to prescribe the qualifications and the duties of such officer; to provide notice to the public for the intention thereof; and to prescribe the benefits of such officer.

Committee on Ways and Means.

By Rep. Britnell:

H. 263. To establish a policy for on-the-job injuries for educational personnel.

Committee on Ways and Means.

By Rep. Onderdonk (With Notice and Proof):

H. 264. Relating to Washington County; amending Act No. 39, H. 185, 1965 Regular Session, (Acts 1965, p. 57), which provides for the compensation of the members of the board of registrars, so as to provide further for said compensation.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 264, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Onderdonk:

H. 265. To require any person or entity desiring to operate an amusement ride or amusement attraction in the State of Alabama to make application for and obtain a permit to do so; to require the designation of an agent for service of process; to require proof of liability insurance coverage for personal injury, death or property damage as a condition of obtaining such permit; to provide definitions; to provide for an annual permit fee and

for the disposition thereof; to provide exemptions; to require inspection of amusement rides and attractions; to authorize the Insurance Commissioner to make rules to implement this act; to provide penalties for violations, and to establish an effective date.

Committee on Judiciary.

By Rep. Zoghby:

H. 266. To authorize incorporated municipalities to restrict and prevent all construction or building, for a period not in excess of ninety (90) days, immediately after an area is annexed to the city or town for the purpose of giving the municipality an opportunity to zone or rezone the area.

Committee on Local Government.

By Reps. Gaston, Kvalheim, Box, Buskey (James), Zoghby, and Turner (With Notice and Proof);

H. 267. Relating to the City of Mobile; to provide for the disclosure of campaign contributions for candidates of city government.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 267, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow, Boles, Smith, Gray, Turner, Blake, Bowling and Newman:

H. 268. To amend Section 40-12-198 of the Code of Alabama 1975, as amended, relating to the marking of vehicles operated by private and for-hire carriers.

Committee on Public Utilities and Transportation.

By Reps. Bowling and Crow:

H. 269. To change the formula for determining the "Average Final Compensation" of members of the Teachers' Retirement System.

Committee on Ways and Means.

By Rep. Boles (With Notice and Proof):

H. 270. To amend Section 1 of Act No. 82-88 of the Regular Session of the Legislature of Alabama of 1982 (Alabama Acts, 1982, pp. 112-113) relating to Jefferson County to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session or Act No. 581, H. 1012, 1947 Regular Session; and to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 270, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Boles, Payne, Trammell, Biddle, White (F), Pratt, Reed, Gray, Moore, Seibels, Perdue, Escott, Newton, Spratt, Albright, Beers, Bachus, McNair, McDowell, Davis, Rogers, Turner, Harper, Gaston, Lauderdale, Kvalheim, McMillan, Hettinger, Penry, Blake, Coleman, Buskey (John), Lindsey, Cosby, Faulk, Butler, Beasley, Carothers, Johnson (RG), Mathis, Grouby, Laird, Hammett, Starr, Adams, Bugg, Martin, Newman, Rice, Britnell, White (L), Fuller, Zoghby, Turnham, Venable, Mitchell, Bowling, Crow, Smith, Campbell, Burke, Richardson, Junkins, Starkey, Clark (D) and Carter:

H. 271. To grant tax exemptions for the benefit of certain air carriers; to exempt from the tax levied by Article 6 of Chapter 3 of Title 28 of the Code of Alabama 1975 on the sale of spirituous or vinous liquors certain sales of spirituous or vinous liquors to a certificated or licensed air carrier with "a hub operation within this state," as herein defined; to amend Section 40-9-1, Code of Alabama 1975, by adding subdivision (24) to exempt from ad valorem tax all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-12-223, Code of Alabama 1975, by adding subdivision (13) to exempt from rental tax the gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-14-41, Code of Alabama 1975, by adding subdivision (d)(2)(E) to provide for a deduction from the amount of capital employed in the state for purposes of computing the franchise tax applicable to foreign corporations the amount invested by the taxpayer in all real and personal property, equipment, facilities, structures and components thereof including all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-17-31, Code of Alabama 1975, by adding subdivision (d)(4) to exempt from excise tax gasoline or other fuel used to propel aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4, Code of Alabama 1975, by adding subdivision (40) to exempt from sales tax the gross receipts from the sale of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4 by adding subdivision (41) to exempt from sales tax the gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (32) to exempt from use tax the storage, use or other consumption of any aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; and to further amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (33) to exempt from use tax the storage, use or other consumption of hot or cold food and beverage products sold to or by a certificated or licnesed air carrier with a hub operation within this state.

Committee on Ways and Means.

By Rep. Grayson:

H. 272. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education and to repeal Sections 16-10-4 and 16-10-9, Code of Alabama, 1975.

Committee on Education.

By Rep. Grayson:

H. 273. To amend Section 16-36-2 and 13A-14-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee and to require open meetings.

Committee on State Administration.

By Rep. Laird:

H. 274. To require the endorsement of approval of subdivision plats or maps utilizing onsite sewage disposal systems prior to the recording; to provide for the regulation of facilities for the disposal of human wastes before occupancy; to require the testing, bonding and licensing of onsite sewage disposal system installers, repairers, cleaners or maintainers and to require examination and fees: to require permit expiration; to require the state board of health to establish qualifications of persons to evaluate sites for subsurface sewage disposal systems, require the payment of testing and licensing to the state board of health; and regulations for the administration of this Act:

Committee on Ways and Means.

By Rep. Carothers:

H. 275. To amend Section 29-1-22, Code of Alabama 1975, which provides for legislative funding, so as to provide further for said funding.

Committee on Ways and Means.

By Rep. Nicholson:

H. 276. Relating to the Alabama Sunset Law; to continue the existence and functioning of the surface mining reclamation commission as provided in Sections 9-16-1 through 9-16-53 of the Code of Alabama, and the legislature's concurrence thereof.

Committee on State Administration.

REPORT FILED

The Report of the Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama was submitted by the Chairman, J. Lewis, Trucks, to the Alabama Legislature of 1986, and the report was ordered filed.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:35 A.M. on January 16, 1986.

H. J. R. 2

H. J. R. 3

H. J. R. 4

H. J. R. 6

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holley, and pursuant to the resolution, H. J. R. 25, heretofore adopted, the House adjourned until 4:00 o'clock p.m., Tuesday, January 21, 1986.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, January 21, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Gene Webb, Pastor, First Baptist Church, Lanett, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Starr, leave of absence was granted for Rep. Mikell.

At the request of Rep. Boles, leave of absence was granted for Reps. Moore and Rogers.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 25. RELATIVE TO MEETING DAYS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 16. CONGRATULATING MR. AND MRS. C. T. PENNY OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 17. COMMENDING RETIRED POLICE CHIEF, ROBERT LOVE, OF PLEASANT GROVE, ALABAMA.

Also:

H. J. R. 28. COMMENDING THE CLASS OF 1934, THOMAS GOODE JONES SCHOOL OF LAW.

Also:

H. J. R. 37. INVITING THE HONORABLE DAVID E. NETHING TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 38. MOURNING THE DEATH OF EUGENE E. DUTTON OF HOLLYWOOD, ALABAMA.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 136. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition hunting and fishing seasons, bag or creel limits promulgated by the commissioner of the department of conservation and natural resources, any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of Sections 41-22-12 through 41-22-21, Code of Alabama 1975, certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit

of the notice in the mail; by amending Section 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; by amending Section 41-22-24 to provide the procedure for reconsideration of disapproved rules by the legislature; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 29. (With Amendment): To provide for the "Alabama Safety Belt Use Act of 1986"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 106. To prohibit certain activities related to tampering with meters and other facilities of public utilities furnishing utility services or otherwise diverting or using utility services unlawfully; to provide felony criminal punishment for violations; and to provide that the provisions of this act are cumulative to Section 13A-8-10, Code of Alabama 1975.

H. 107. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

H. 108. To provide that a utility may terminate or decline to serve an applicant who is indebted to the utility for similar utility services at a former location or at the present location or where such indebtedness was incurred by a member of the applicant's household.

H. 133. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1984 Second Special Session and the 1985 First Special and Regular Sessions of the

legislature, as contained in the 1985 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

H. 163. To establish the venue for all civil actions for damages for personal injury, death or property damage filed against a county or against a municipality.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 20. (With Substitute): To provide further for warranties on new motor vehicles and to provide for refunds for failure to conform to said warranties.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 121. To repeal Section 2-6-2, providing for the appointment of a Superintendent of the Agricultural Center to manage and control the coliseum and its facilities; to provide for the appointment of merit system employees for the Agricultural Center by the Agricultural Center Board.

H. 37. To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

H. 24. To repeal Section 8-1-81, Code of Alabama 1975, which provides for sales of pledges by pawnbrokers at public auction after 10 days' notice.

H. 186. To amend Section 36-16-8 of the Code of Alabama 1975, to increase the dollar value from $100.00 to $500.00 for nonconsumable property that has to be reported by the property manager of each department or agency of the state to the property inventory control division, and decreasing the frequency of reporting from every six months to every year.

H. 187. To amend Section 41-1-6 of the Code of Alabama 1975, so as to increase the dollar value from $100.00 to $500.00 for nonconsumable personal property which has to be reported by the property manager of each department or agency of the state, and decreasing the frequency of the report from every six months to once every year.

H. 91. To amend Section 38-2-2 of the Code of Alabama 1975 relating to the state board of pensions and security so as to further provide for the election of two state employees to the board.

H. 176. Relating to the licensing of real estate brokers and salesmen; to amend Section 34-27-35 of the Code of Alabama 1975 so as to provide for certain continuing education requirements for license renewal.

H. 155. Proposing an amendment to Amendment 341 to amendment of Section 106, Constitution of 1901, relating to publication and notice of intent to apply for local legislation affecting counties and municipalities.

The above bill was read a second time at length as required by the Constitution.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 8. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years old to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 38. To authorize marine police officers to give breath tests to any person operating a motorboat upon the waterways within the jurisdiction of the State of Alabama to determine whether such person is under the influence of intoxicating liquor and to provide penalties.

H. 40. Requiring physicians who treat or examine any person having, or suspected of having the illness known as Acquired Immune Deficiency Syndrome (AIDS) to report such illness to the state health officer.

H. 48. To amend Section 34-23-51, Code of Alabama 1975, which provides for licensing and examinations of pharmacists, so as to provide further for the examinations of applicants for the profession.

H. 81. To prohibit public and private motor vehicle carriers from transporting hazardous material through tunnels; to provide for jurisdiction of certain law enforcement officers; and to provide penalties for violations.

H. 113. To amend sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners In Psychology, so as to provide for increases in certain fees charged by the Board.

H. 119. To abolish any zoning law, ordinance or regulation which prohibits mentally retarded or mentally ill persons from living in a natural residential environment zoned "multi family" as it appears in zoning laws or ordinances so as not to exclude certain groupings of mentally retarded or mentally ill persons.

H. 178. To amend §34-24-361 Code of Alabama, 1975, to provide that complaints before the Medical Licensure Commission and the Board of Medical Examiners and testimony with respect thereto are absolutely privileged and to grant immunity from suit to the Board of Medical Examiners and the Medical Licensure Commission.

H. 196. Relating to "The Lifesaving Organ Procurement Act of 1986", to state the Legislative intent; to define the word "organ" and "attending physician", to better provide for the public health by providing that on the occurrence of death of a patient in a hospital, who has not made an anatomical gift to take place upon death, the hospital administrator, or designated representative to request, of specified survivors, in accordance with Section 22-19-42 (b), Code of Alabama, 1975, in the order of priority stated, and when persons in prior classes are not available at the time of death, and in the absence of actual notice to the contrary by the decedent or one in a prior class, to consent to the gift of organs of the decedent's body; to provide such request and its disposition shall be noted in the patient's medical record;

to provide, where, based upon medical criteria that such a request would not yield an anatomical gift which would be suitable for use, or, where, based upon the special and peculiar knowledge of the attending physician and/or concerning the circumstances surrounding the death of the patient, there is an exception to the request required by this Article and such determination shall be noted in the patient's medical record; to provide for immunity from civil damages or criminal prosecution to any person who acts in good faith accord; and to provide that the provisions of this Article are cumulative and, insofar as possible, shall be construed in pari materia with other laws relating to the public health and anatomical gifts.

H. 203. Relating to the Board of Medical Examiners and the Medical Licensure Commission to authorize the Board of Medical Examiners in its capacity as a certifying board to assess administrative fines not to exceed $1500.00 for each violation of the provisions of §20-2-54 or the rules and regulations of the Board; and further to authorize the Medical Licensure Commission to assess administrative fines not to exceed $2500.00 for violations of §34-24-360 or the rules and regulations of the Commission; and further to provide that a portion of these fines shall be paid to the Board and deposited in a segregated account designated The Alabama Physicians Education Fund; and further to authorize at the discretion of the Board of Medical Examiners the expenditure of funds in The Alabama Physicians Education Fund only for the education, rehabilitation or treatment of physicians licensed to practice medicine in Alabama who are impaired by reason of mental or emotional illness or addiction to alcohol or drugs or for programs of continuing medical education; and further to provide that the Board is authorized to contract for programs, services, and materials without regard to the competitive bid laws for expenditures made from The Alabama Physicians Education Fund; and further to provide that the Medical Licensure Commission shall not renew the annual certificate of registration of any physician against whom an administrative fine has been assessed until the fine is paid in full; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

H. 204. To amend §34-24-360(15) to authorize the Medical Licensure Commission to suspend or revoke a license to practice medicine or osteopathy when another State licensing board takes disciplinary action against a physician; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 139. An act relating to banks, banking and branch banking which: amends Title 5 of the Alabama Code of 1975 by adding Chapter 13A so as to create the "Alabama Regional Reciprocal Banking Act of 1986"; provides definitions; authorizes any bank holding company whose principal place of business is in any one of certain jurisdictions to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; requires divestiture in certain circumstances; provides applicable law and for regulatory supervision and enforcement authority; provides for application fees; provides for severability of provisions; restricts amendment of §5-5A-20, Code of Alabama, 1975; and provides an effective date.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 192. To define certain school records as a "governmental records" and to include school systems and institutions in the definition of government so as to make it illegal to knowingly falsify certain school records.

Rep. Thomas, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 69. (With Substitute): Relating to elections; to provide additional time for overseas Americans to make application for, receive and return absentee ballots; and for such purpose to amend Code of Alabama 1975, Sections 17-10-3, 17-10-5, 17-10-12, 17-10-13, 17-10-14, and 17-16-11; and to provide an effective date.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 65. To amend Section 11-51-91, Code of Alabama, 1975, so as to clarify the meaning of said Section; to require a liberal construction of the meaning of said Section.

H. 61. To provide for the establishment of housing finance authorities by Class 6 municipalities in the State so as to permit such an authority to assist in the construction of apartment buildings and other structures for multi-family housing, and incidental construction, by the issuance of the authority's bonds and the authority's lending the proceeds of the issue to persons desiring to construct such buildings, or the authority constructing such buildings and leasing the same at rents adequate to retire the bonds, which lease may include an option of the lessee to purchase the facilities at a nominal consideration; to authorize the formation of an authority and the appointment of directors thereto; to provide for the procedure to amend the certificate of incorporation of an authority; to provide rules respecting the officers of an authority; to provide for the powers and methods of operation of facilities of an authority; to prescribe a procedure and restrictions on the issuance of bonds and notes of an authority; to provide a procedure for the securing and giving collateral of such bonds and notes; to provide a method of validating the proceedings for issuance of bonds; to provide a method of issuing refunding bonds and notes; to permit the state, counties, municipalities, and other public subdivisions of the state and private companies to invest in such bonds and notes as legal investments; to provide for the establishment of special debt service reserve funds; to provide for the disposition of net earnings of an authority; to authorize counties, municipalities, and other public subdivisions and agencies to assist an authority in the performing of its functions; to authorize and provide a procedure for the dissolution of an authority; and to exempt an authority from certain taxations, licenses, and other fees, and authorize an authority to extend further exemptions with the concurrence of the municipality creating an authority; to exempt the bonds and notes of an authority from usury and

interest loss; to exempt an authority from competitive bid laws; and to provide rules for the interpretation and construction of this Bill.

H. 66. To provide for the establishment of housing finance authorities by Class 4 municipalities in the State so as to permit such an authority to assist in the construction of apartment buildings and other structures for multi-family housing, and incidental construction, by the issuance of the authority's bonds and the authority's lending the proceeds of the issue to persons desiring to construct such buildings, or the authority constructing such buildings and leasing the same at rents adequate to retire the bonds, which lease may include an option of the lessee to purchase the facilities at a nominal consideration; to authorize the formation of an authority and the appointment of directors thereto; to provide for the procedure to amend the certificate of incorporation of an authority; to provide rules respecting the officers of an authority; to provide for the powers and methods of operation of facilities of an authority; to prescribe a procedure and restrictions on the issuance of bonds and notes of an authority; to provide a procedure for the securing and giving collateral of such bonds and notes; to provide a method of validating the proceedings for issuance of bonds; to provide a method of issuing refunding bonds and notes; to permit the state, counties, municipalities, and other public subdivisions of the state and private companies to invest in such bonds and notes as legal investments; to provide for the establishment of special debt service reserve funds; to provide for the disposition of net earnings of an authority; to authorize counties, municipalities, and other public subdivisions and agencies to assist an authority in the performing of its functions; to authorize and provide a procedure for the dissolution of an authority; and to exempt an authority from certain taxations, licenses, and other fees, and authorize an authority to extend further exemptions with the concurrence of the municipality creating an authority; to exempt the bonds and notes of an authority from usury and interest loss; to exempt an authority from competitive bid laws; and to provide rules for the interpretation and construction of this Bill.

H. 15. To amend section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings and to provide for retroactive effect.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 115. (With Amendment): To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-27, 11-46-36, 11-46-40, 11-46-51, and 11-43-2, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having mayor-council form of government and to establish dates and other procedures required in connection with such elections.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 122. To amend Sections 11-46-92, 11-46-93, 11-46-96, 11-46-97, 11-46-98, 11-46-107, 11-46-111, and 11-46-122, Code of Alabama 1975, so as to

establish the dates of municipal elections in certain cities or towns having commission form of government and to establish dates and other procedures required in connection with such elections.

H. 44. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 117. (With Amendment): To amend Section 11-43-40, Code of Alabama 1975, relating to the composition of city councils in cities having a population of 12,000 or more so as to provide for a procedure to establish a council of not less than five nor more than seven aldermen to be elected from districts.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 266. To authorize incorporated municipalities to restrict and prevent all construction or building, for a period not in excess of ninety (90) days, immediately after an area is annexed to the city or town for the purpose of giving the municipality an opportunity to zone or rezone the area.

H. 9. Authorizing and empowering certain independent service districts to contract with each other for collection of service charges imposed by either service district on a common subscriber and authorizing such collecting district to terminate its service for failure to pay charges lawfully due to the non-collecting district.

H. 82. To amend Sections 41-13-5 and 41-13-22 through 41-13-25 relating to the management of certain public records so as to provide further for such management to include such records of municipalities; and to create a local government records commission in lieu of a county records commission.

H. 83. To amend Sections 41-13-40 and 41-13-44 of the Code of Alabama 1975 relating to the management of certain public records so as to provide further for the photographing or microphotographing of such public records and for the quality control standards thereof.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 27. Relating to Butler County; abolishing the office of constable in such county.

H. 34. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

H. 50. Relating to Lauderdale County; to extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

H. 96. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Blount County and having its city hall or municipal headquarters located outside of the boundaries of Blount County from annexing any future territory in Blount County without prior referendum approval of a majority of the qualified electors living within the area to be annexed; and providing for such referendum elections.

The above bill was read a second time at length as required by the Constitution.

H. 109. To provide for the total county salary supplement for the district judge of the 22nd Judicial Circuit; and to repeal conflicting laws.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 110. (With Amendment): Relating to Covington County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official and permanent records in Covington County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 158. To authorize and empower the governing body of Washington County, Alabama, to levy and collect special county privilege and license taxes and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, distribution and use of the proceeds from such taxes as may be levied by the said governing body; to provide for the enforcement of this act by the state department of revenue and to provide for an advisory referendum election to determine whether the qualified electors of said county approve or disapprove of the provisions of this act.

H. 161. Proposing an amendment to the Constitution of 1901, creating the Washington County Port Authority; providing for its powers and duties; repealing conflicting provisions of this Constitution, 1901.

The above bill was read a second time at length as required by the Constitution.

H. 201. Relating to Limestone County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge of Limestone County, Alabama, to have one general index book relative to transactions in the

Probate Office of Limestone County and making the provisions retroactive to January 1, 1974.

H. 239. Relating to Fayette County; providing for an additional expense allowance for the county coroner.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 277. To further amend Section 40-23-1, Code of Alabama 1975, as amended, which section contains various definitions applicable to the Alabama sales tax, so as to clarify, and remove ambiguity from, the definition of "sale or sales," and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Committee on Ways and Means.

By Rep. Campbell (With Notice and Proof):

H. 278. Relating to Calhoun County; providing for an increase in salary for the part-time bailiffs of said county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 278, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Warren:

H. 279. To provide that upon resolution of any county commission the alcoholic beverage control board shall audit or audit and collect local alcoholic beverage taxes for such county.

Committee on State Administration.

By Rep. Johnson (RW):

H. 280. To enhance and expand economic development within the state and communities; to provide work incentive for assistance in community development by placing certain employees of the five regional Economic Development Agencies and/or the Alabama Waterways Development Agency under the state merit system.

Committee on Ways and Means.

By Rep. Parker:

H. 281. To provide that persons now employed by two-year public colleges of the State of Alabama who were employed by said institutions prior to such time as said institutions became state supported, to purchase credit for up to eleven years for such service under the Teachers' Retirement System of Alabama.

Committee on Ways and Means.

By Rep. Holley:

H. 282. To provide further for the annual salary of the state treasurer, state auditor, commissioner of agriculture, and secretary of state of this state.

Committee on Ways and Means.

By Rep. Parker:

H. 283. Requiring certain employers to request from the department of public safety its records of all convictions for sex-related offenses on applicants for certain jobs; prescribing penalties for applicants submitting false information; requiring said department to furnish certain forms and information thereon; prescribing guidelines for retention of such information by the employer and said department; requiring said department to notify local law enforcement agencies and employers of such prior convictions; prescribing guidelines for confidentiality of such information; prescribing procedures for said department; making appropriation from the special educational trust fund to said department to implement the provisions of this act and specifically repealing Sections 26-20-1, 26-20-2, 26-20-3, 26-20-4, 26-20-5 and 26-20-6 of the Code of Alabama 1975.

Committee on Ways and Means.

By Reps. Bachus, Thomas, Fuller, Coleman, White (G), Beers, and Marietta:

H. 284. To amend section 32-1-4, Code of Alabama 1975, to provide that custodial arrest is authorized for certain traffic offenders in order to assure that sufficient bond is given and to delete the provision requiring an immediate hearing upon demand by the offender.

Committee on Judiciary.

By Rep. Grouby:

H. 285. To amend Section 9-17-106 of the Code of Alabama 1975, relating to liquefied petroleum gas permit fees so as to increase the amount of permit fees.

Committee on Ways and Means.

By Reps. Seibels, Pratt, Beers, White (G), Martin, Newton, Spratt, McDowell, Davis, Zoghby, Bugg, Hooper, Coleman, Boles, Cosby, and Rains:

H. 286. To amend Section 13A-11-14, Code of Alabama 1975, relating to the crime of cruelty to animals, so as to make it a crime to kill or injure without good cause any domestic animal, not just an animal belonging to another.

Committee on Judiciary.

By Reps. Seibels, Pratt, Beers, White (G), Martin, Newton, Spratt, McNair, Zoghby, Bugg, Hooper, Coleman, Boles, Cosby, and Rains:

H. 287. To amend Sections 13A-6-60 and 13A-6-64, Code of Alabama 1975, relating to sexual offenses in the criminal code, so as to define the crime of bestiality and to prescribe penalties for the commission of such crime.

Committee on Judiciary.

By Rep. Biddle:

H. 288. To amend Section 22-6-8 of the Code of Alabama 1975, relating to medicaid benefits, so as to provide further for the authority of the Alabama Medicaid Agency relative to suspension, revocation and reinstatement of recipient's benefits.

Committee on Judiciary.

By Reps. Marietta, Box, Harper, Fuller, Onderdonk, Zoghby, Tanner, Hettinger, and Mathis:

H. 289. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this Act.

Committee on Insurance.

By Reps. Richardson, Carter, Butler, and Coleman:

H. 290. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

Committee on State Administration.

By Reps. Turnham and Cosby:

H. 291. To amend Act No. 85-691, 1985 Regular Session, in order to provide that the Alabama Manufactured Housing Commission Fund shall be changed from a revolving fund to a special revenue trust fund that functions in accordance with state budgetary control procedures.

Committee on Ways and Means.

By Rep. White (F):

H. 292. To amend Section 15-21-8, Code of Alabama 1975, which provides for writs of habeas corpus to be granted without delay, so as to provide certain exceptions.

Committee on Judiciary.

By Reps. Gaston and Kvalheim:

H. 293. To amend sections 17-22-8, 17-22-9 and 17-22-10, Code of Alabama 1975, relating to reporting of contributions and expenditures of political candidates' committees, so as to require all contributions to be made to the committees, to require all committees to report and to require com-

mittees of candidates for legislative and statewide offices to file certain additional statements.

Committee on State Administration.

By Reps. Gaston and Kvalheim:

H. 294. To amend Section 25-4-78, Code of Alabama 1975, as last amended, relating to unemployment compensation, so as to provide that anyone who fails to tell the truth about a previous conviction of a crime on a written employment application, upon discharge, shall not be entitled to unemployment compensation benefits for the period of time he was employed by an employer to whom such erroneous applicaiton was submitted.

Committee on Judiciary.

By Reps. Kvalheim, Gaston, Turner, Harper, Zoghby, Kennedy, and Box (With Notice and Proof):

H. 295. Relating to Mobile County; providing for a singular appropriation, in addition to any and all other appropriations, to the Azalea Trail Festival, Inc., from funds received by the county for the City of Mobile, for the fiscal year ending September 30, 1986, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 295, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gaston, Harper, Box, Zoghby, Turner, Marietta, Clark (W), Kennedy, and Kvalheim (With Notice and Proof):

H. 296. Relating to Mobile County; providing for an annual appropriation commencing for the fiscal year beginning October 1, 1985, in addition to any and all other appropriations, to the Toy Bowl Association, from funds received by the county for the City of Mobile, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 296, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hall, Richardson, Coleman, White (L), Grayson, and Butler:

H. 297. To prohibit candidates for public office from accepting campaign contributions until qualifying for the office and provides penalties.

Committee on State Administration.

By Reps. Hall, Richardson, Coleman, White (L), Hettinger, Grayson, Butler, and Carter:

H. 298. To provide that campaign contributions made to persons who fail to qualify or run for public office must be returned and provides penalties.

Committee on State Administration.

By Rep. White (F):

H. 299. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of record and the establishment and abolition of branch courthouses and divisions of circuit court, so as to provide that habeas corpus and coram nobis proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Adams, Venable, White (L), Martin, Starkey, Turnham, Reed, and Holley:

H. 300. To propose a law to authorize two or more counties to establish self-funded insurance funds for the purpose of providing liability protection of the member counties.

Committee on Local Government.

By Reps. Payne and Trammell (With Notice and Proof):

H. 301. Relating to the Waterworks Board in a Class 1 municipality by providing for an increase in the membership of such board.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 301, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Starkey:

H. 302. To amend Section 31-6-6, Code of Alabama 1975, relating to educational benefits for children of certain disabled veterans so as to further provide therefor.

Committee on Ways and Means.

By Reps. Coleman, Butler, Newman, Box, Grouby, Junkins, Ford, Lauderdale, Crow, Goodwin, Richardson, Tanner, Lindsey, Clark (D), Smith, Blake, Harvey, Britnell, Flowers, White (L), Rains, Venable, Nicholson, Mathis, Beasley, Blakeney, Bryant, Warren, Johnson (RW), Preuitt, Hall, Parker,

Dutton, Bugg, Carter, Beers, Seibels, White (G), Fuller, Mitchell, Thomas, Drake, Burke, Melton, Hooper, and Cosby:

H. 303. To amend Section 32-11-2, Code of Alabama 1975, as amended, relating to exemptions from the payment of certain taxes on motor vehicles purchased by rescue squads and volunteer fire departments, so as to include sales taxes in the exemption; and to prescribe retroactive effect to January 1, 1985.

Committee on Ways and Means.

By Reps. Clark (D) and Starkey:

H. 304. To amend Section 40-9-1 of the Code of Alabama 1975 relating to exemption from ad valorem taxation on all property owned by a veterans organization, or post-chapter and is occupied and used by same.

Committee on Ways and Means.

By Reps. Coleman, Newman, Box, Junkins, Bugg, Grouby, Smith, Crow, White (L), Bryant, Hooper, Johnson (RW), and Drake:

H. 305. To require boards of education to defend school principals, members of the administrative and supervisory staffs and teachers whenever civil action has been brought against such persons for acts of willful neglect of duty, in the performance of duties within the policies of the board.

Committee on Education.

By Reps. Coleman, Newman, and Junkins:

H. 306. To appropriate funds to the State Board of Education for allocation to local boards of education and the Department of Youth Services School District and to appropriate funds to the Alabama Institute of Deaf and Blind should the Legislature grant mandated pay raises that take effect prior to the beginning of a fiscal year.

Committee on Ways and Means.

By Reps. Gaston and Kvalheim:

H. 307. To amend Section 17-4-134, Code of Alabama 1975, relating to voter registration, so as to allow the board of registrars to accept, as an application for absentee registration by members of the armed services or their dependents, Department of Defense Post Card Application for Registration and Absentee Ballot.

Committee on Constitution and Elections.

By Rep. Harper:

H. 308. To amend Sections 14-10-1 and 14-10-2, Code of Alabama, 1975, so as to allow the Department of Corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense and to allow state inmates to waive discharge benefits.

Committee on Judiciary.

By Reps. Harper, Turner, and Gaston:

H. 309. To repeal in its entirety Section 14-4-7 of the Code of Alabama, 1975, prohibiting female convicts from working as laborers on public highways.

Committee on Judiciary.

By Reps. Hettinger, Zoghby, Starr, Bugg, and Grayson:

H. 310. To provide for the regulation of consignment transactions between any artist and art dealer; to prescribe strict liability for certain losses and damages.

Committee on Judiciary.

By Reps. Bugg, Zoghby, Junkins, Grayson, Lauderdale, Hettinger, Beers, Bachus, Browder, Starr, and Kennedy:

H. 311. To create the Alabama Art Preservation Act; to protect an artist or public against the defacement, mutilation, alteration or destruction of a work of fine art and, under certain conditions, any heir, legatee or personal representative; to make certain exemptions; to provide for judicial relief; to provide a period of limitation to initiate action; and to prescribe an effective date.

Committee on Judiciary.

By Rep. Holley:

H. 312. To establish the offense of criminal enterprise for the purpose of trafficking in illegal drugs.

Committee on Judiciary.

By Reps. Martin, Smith, Goodwin, Grouby, McKee, Starr, Hooper, Johnson (Roy), Crow, Beers, Bachus, Biddle, Seibels, Bugg, Coleman, Butler, Richardson, Junkins, Payne, Newman, Lauderdale, Lindsey, Harvey, Adams, McNair, Buskey (John), Rains, Hammett, Venable, White (L), Faulk, Nicholson, Mathis, Beasley, Warren, McMillan, Carothers, Penry, Fuller, Harper, Carter, Gaston, Blakeney, Bryant, Laird, Johnson (RG), Buskey (James), Box, Flowers, Gray, Clark (J), Cosby, Pratt, Perdue, White (G), Melton, Burke, Browder, Mitchell, Marietta, Zoghby, Kvalheim, Kennedy, White (F), Campbell, Britnell, Bowling, and Hettinger:

H. 313. To amend Section 36-25-27, Code of Alabama 1975, which prescribes penalties for violations of the State Ethics Law, so as to establish the minimum possible penalty for violating the law at two years imprisonment or a minimum fine of $2,001.00, or both.

Committee on Judiciary.

By Reps. Martin, Parker, Drake, and Dutton:

H. 314. To exempt the Steerrs Day Care Center, Inc., in Decatur, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Laird (With Notice and Proof):

H. 315. Relating to Clay County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 315, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Bowling, Drake, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 39. MOURNING THE DEATH OF JOHN R. SPARKS OF CULLMAN COUNTY, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Bowling, Drake, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 40. MOURNING THE DEATH OF JOHN R. SPARKS OF CULLMAN COUNTY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the untimely death of John R. Sparks, Cullman County, Alabama, on December 12, 1985, at the age of 67 years; and

WHEREAS, a lifelong resident of Cullman County, Mr. Sparks was a graduate of Fairview High School and of St. Bernard College, and was a former teacher in the Cullman County School System; and

WHEREAS, Mr. Sparks, who was a veteran of World War II, was a lifetime member of the Democratic Party and served as chairman of the Cullman County Kennedy for President organization; and

WHEREAS, beginning in 1952, he served two terms as Circuit Clerk; became Post Master in 1964, in which position he served for a period of ten years; and was elected to the Alabama Legislature in 1974, representing House District 11, Cullman and Winston Counties, until 1978; and

WHEREAS, Mr. Sparks was a Mason, a member of the American Legion, and was an active member and Deacon of the First Baptist Church which he served in various responsible positions, and was president of his Sunday School Class at the time of his death; and

WHEREAS, in the death of John R. Sparks, the Cullman Community has suffered a deep and inconsolable loss of a dedicated public servant and the State of Alabama has lost one of its most prominent and loyal citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of John R. Sparks of Cullman County, Alabama, and extend our deepest sympathy to his wife, Mrs. Evelyn Sparks; daughters Patricia Sparks Sapps and Betty Sparks White; and to other family members, whose great sorrow we share and for whom copies of this resolution shall be provided.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Drake and Bowling:

H. R. 41. COMMENDING CULLMAN HIGH SCHOOL ON ITS OUTSTANDING 1985 FOOTBALL SEASON.

Also:

The following resolution was introduced:

By Reps. Drake and Bowling:

H. J. R. 42. COMMENDING CULLMAN HIGH SCHOOL ON ITS OUTSTANDING 1985 FOOTBALL SEASON.

WHEREAS, the Cullman High School Bearcats are to be most highly commended on their outstanding 1985 Football Season which culminated in both the Area and Tennessee Valley Conference Championships, and their participation in the State Playoffs; and

WHEREAS, under the talented leadership and direction of Head Coach Dale Cook and assistant coaches Andy Page, Don Wilbanks, John Tekulve, Dafford Smith and Alec Winston, the Bearcats finished their regular season with a perfect 10-0 record, losing only to Colbert County in the Class 5-A Playoffs; and

WHEREAS, it is further to be noted that Cullman High put a season total of 227 points on the scoreboard, while allowing their formidable opponents only 80 points; they also cashed-in on 32 turnovers, including 20 pass interceptions and 12 fumble recoveries; and

WHEREAS, sharing the glory and credit for such an outstanding season were Bearcats: Danny Ashley, David Hayward, Shonn Walker, Jay Page, Donovon Lovell, Jeff Hayward, Wayne Cameron, Tony Ruehl, Matt Patrick, Chris Carden, Shane Youngblood, Geoff Tucker, Steve Leopard, Vincent Weissend, Steve Barck, Jeff Hydrick, Patrick Knight, Shane McMinn, Randall Tucker, Jon Montgomery, David Jones, Willy Hendrix, Paul Miller, Jeff Grey, Ray Ayers, Jason Cummings, Mark Morgan, Matt Scott, Shane Kent, Blake Tolbert, Jud Tidwell, Jonathan Lloyd, David Kilpatrick, Sean Easterwood, Blane Hogue, Kelly Glenn, Gary Noles, Scott Higgins, Kevin Robinson, Chris Michelfelder, Darin McCormick, Lance Reese, Jason Taylor, Nathan Adams, Tony Trantham, Ronnie Mayhair, Phillip Mahler, Andy Starnes, Shannon Christian, Todd Holmes, Lee Weaver, Dayne Nelson and Darren Nelson; and

WHEREAS, also to be recognized for their significant contributions are managers Jackson Cook, Ross Tekulve, John Ward and Michael Wilbanks; the Varsity Cheerleaders' Sponsors, Shelly Perry and Donna Sisulak, and Head Cheerleader Kara Moore, Co-Head Cheerleader Tina Miller, and Cheerleaders Allison Harbison, Jill Gudger, Missy Ferguson, Kaka Jones, Marly Locke and Natalie Dye; Student Coaches Mike Chandler, Dewayne Kilgore, Todd Hermetz and Greg Hydrick; and Doug Spradlin who was in charge of field maintenance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Cullman High School, Cullman, Alabama, on their phenomenal 1985 Football Season and direct that copies of this resolution be forwarded to Principal Leon Bentley and Assistant Principal Charlie Montgomery for appropriate presentation and school display.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Drake and Bowling:

H. R. 43. CONGRATULATING HANCEVILLE HIGH SCHOOL, 1985 4A AREA 13 FOOTBALL CHAMPIONS.

Also:

The following resolution was introduced:

By Reps. Drake and Bowling:

H. J. R. 44. CONGRATULATING HANCEVILLE HIGH SCHOOL, 1985 4A AREA 13 FOOTBALL CHAMPIONS.

WHEREAS, Hanceville High School, Cullman County's top scoring team, posted a phenomenal record during their 1985 football season which culminated in the 4A Area 13 Championship and participation in the State Finals; and

WHEREAS, other impressive statistics include placement of two players on the All-State Team, an average of 327 total yards per game and 27 points per game, while holding their opponents to just 12.4 points per game average; and

WHEREAS, directing Hanceville to such an outstanding season were Head Coach Ray Talley and Assistant Coach Rodney Terry, along with Managers Keith Pitts (Head), Kevin Brown and Chris Watwood; and

WHEREAS, to be congratulated for their contributions to Hanceville High's Area Title and high state ranking are Varsity team members: John Purifoy, Wayne Loggins, David Nix, Lance Boyd, Jerrold Flanigan, Rod Elliott, Mark Putman, Rodney Melton, Greg Black, Kelly Wisener, Jonathan Harris, John Shaw, Randy Malcom, Bryan Burdette, Paul Tyus, Darren White, Brian Waldrep, Oneal Swann, Mark Cornelius, Stephen Spears, Michael Starnes, David Sims, Derek Duke, Shawn Elliott, Clint Creel, Bob Holland, Greg Flanigan, Mark Gamble, Andy Copeland and Tony Perkins; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Cullman County's Hanceville High School football team for outstanding accomplishment and direct that copies of this resolution be forwarded to Principal James Laminack for appropriate presentation and school display.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 44, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Drake and Bowling:

H. R. 45. COMMENDING WILLIAM HUGH SHELTON OF CULLMAN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolution was introduced:

By Reps. Drake and Bowling:

H. J. R. 46. COMMENDING WILLIAM HUGH SHELTON OF CULLMAN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, William Hugh Shelton of Cullman, Alabama, is a graduate of West Point High School and of Florence State College, now the University of North Alabama; and

WHEREAS, currently serving as Sports Editor of The Cullman Times, Mr. Shelton joined The Times on May 27, 1962, and, despite severe physical disabilities as a result of polio as a young boy, worked for 19 consecutive years without missing a single day of his strenuous work schedule; and

WHEREAS, several years ago, however, Bill Shelton developed additional health problems, yet continued to fulfill his duties as Sports Editor for The Times; and

WHEREAS, regrettably, it recently was necessary for Mr. Shelton to undergo surgery, but we are pleased to know that, following a period of recuperation, he plans to resume his professional duties on a limited schedule; and

WHEREAS, Mr. Shelton is indeed to be commended for outstanding accomplishment, not only as an extremely talented and dedicated journalist, but for his inner strength and determination to succeed in his chosen profession despite the many difficulties he has experienced through the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement, we hereby most highly commend William Hugh Shelton of Cullman, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 46, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Drake and Bowling:

H. R. 47. COMMENDING DR. IRA L. MYERS FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

The following resolution was introduced:

By Reps. Drake and Bowling:

H. J. R. 48. COMMENDING DR. IRA L. MYERS FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the distinguished and longtime service rendered by Dr. Ira L. Myers to the State of Alabama, from 1955 until April 30, 1986, the announced date of his retirement; and

WHEREAS, a graduate of Howard College with the B.S. degree, Dr. Myers received his M.D. degree from the Medical College of Alabama, University of Alabama, in 1949; following an internship at USPHS Marine Hospital in Seattle, Washington, he attained the Master of Public Health degree, graduating cum laude from Harvard University School of Public Health in 1953; and

WHEREAS, Dr. Myers served from 1950-1955 as Epidemiologist, Senior Surgeon and then as Chief Epidemic Intelligence Officer, Communicable Disease Center, with the U.S. Public Health Service; and

WHEREAS, returning to his native State as Administrative Officer and assistant to the late D. G. Gill, M.D., State Health Officer, Dr. Myers initiated

the mass Salk Polio Vaccine Project for the State of Alabama, as well as the Hospital Service for the Indigent and the Medical Aspects of Assistance for the Aged Programs; in 1963 he was elected to the position of State Health Officer, State of Alabama, and has since so served through subsequent reelections to acquire the lengthiest tenure in this office of any other health officer in the entire United States; and

WHEREAS, Dr. Myers' numerous professional affiliations, on the state, regional and national levels, have included the Association of State and Territorial Health Officials, President, 1972; the American, Southern and Alabama Medical Associations; Montgomery County Medical Society; American Cancer Society Board of Directors; State of Alabama Committee on Aging and the Alabama Youth Services Board; Alabama Heart Association Board of Directors; and the American Lung Association of Alabama Board of Directors; and

WHEREAS, he further is listed in Who's Who of the South and Southwest, American Men and Women of Science, Who's Who in America, Who's Who in the World, and is the recipient of the 1984 Golden Eagle Award of the Alabama Senior Citizens Hall of Fame; and

WHEREAS, in responsible community involvement, Dr. Myers is a Deacon, Trustee and Sunday School teacher at Dalraida Baptist Church; member of the Alabama Baptist Convention Executive Board; former vice chairman and current member of the Personnel Committee, Montgomery Baptist Association; member of the Kiwanis Club of Montgomery; and member of the Board of Trustees of Judson College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service and outstanding professional achievement, we hereby most highly commend Dr. Ira L. Myers, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 48, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Drake and Bowling:

H. R. 49. COMMENDING THE VINEMONT HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1985 FOOTBALL SEASON.

Also:

The following resolution was introduced:

By Reps. Drake and Bowling:

H. J. R. 50. COMMENDING THE VINEMONT HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1985 FOOTBALL SEASON.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Cullman County's Vinemont High School, Region 6 and Area 12 Football Champions for 1985; and

WHEREAS, leading the Eagles to their 6-5 winning season, and to the team's Region and Area titles, was Head Coach Mark Smothers along with

Assistant Coaches Mike Grantham, Roger Haynes and Mike Cupp, and Team Managers Danny Hardman and Robert Hempfling; and

WHEREAS, sharing the glory and credit for this outstanding season were Eagles: Pat Rohrscheib, Brett Harris, Wade Lee, Scott Thompson, Scott Olson, Tim Nichols, Jayson Carden, Mike Ponder, Daryl Welch, Shane Woods, Roger Black, Larry Ray, Wade Yarbrough, David Hempfling, David McAnear, Jason Wren, Keith Drake, Jeff Roberts, Jeremy Bolzle, Wayne Floyd, Keith Martin, Tracy Waldon, Doug Batemon, Justin Helms and Mike Kuykendall; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Vinemont High School on their successful 1985 football season and championships, and direct that copies of this resolution be forwarded to Principal Huelee Adams and Assistant Principal James Howard for appropriate presenation and school display.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 50, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Drake and Bowling:

H. R. 51. COMMENDING THE GOOD HOPE HIGH SCHOOL VOLLEYBALL "A" TEAM.

Also:

The following resolution was introduced:

By Reps. Drake and Bowling:

H. J. R. 52. COMMENDING THE GOOD HOPE HIGH SCHOOL VOLLEYBALL "A" TEAM.

WHEREAS, it is with highest commendation that the Alabama Legisalture notes the championship performance of the Good Hope Girls' Volleyball "A" Team during the 1985 season; and

WHEREAS, under the talented leadership and direction of Head Coach Rosemary Brown, the Raiders "A" Team not only posted a remarkable 16-5 season record, but captured the Cullman County, Area 12 and Region 6 Championships; and

WHEREAS, further, the team achieved a final fifth place ranking, statewide, following participation in state competition for the third time during the past four years; and

WHEREAS, the Good Hope Volleyball "A" Team consists of Nancy Rutledge, Terri Widner, Tammy Cofer, Pam White, Tia Edmundson, Carla Owen, Tammy Welborn, Tracy Rutledge, Gina Turney, Trina Heatherly and Jody Peyton, each of whom is to be most highly congratulated for her contributions to the Raiders' outstanding season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend

Coach Rosemary Brown and the Good Hope Raiders Girls' Volleyball "A" Team for outstanding accomplishment and direct that copies of this resolution be forwarded to Good Hope High School for appropriate presentation and school display.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 52, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Drake and Bowling:

H. R. 53. COMMENDING WEST POINT HIGH SCHOOL ON ITS OUTSTANDING 1985 FOOTBALL SEASON.

Also:

The following resolution was introduced:

By Reps. Drake and Bowling:

H. J. R. 54. COMMENDING WEST POINT HIGH SCHOOL ON ITS OUTSTANDING 1985 FOOTBALL SEASON.

WHEREAS, the West Point High School Warriors are to be most highly commended on their oustanding 1985 Football Season which culminated in West Point's participation in the State Playoffs for the first time in 21 years; and

WHEREAS, under the talented leadership and direction of Coaches Billy Coleman, Randall Jones, Danny Miller, Skip Griffen, Anthony Jones and Billy Eason, the Warriors finished the 1985 season with a 7-3 record, averaging 282.6 total yards per game to their competition's 175.2 yards per game average; and

WHEREAS, it is further to be noted that West Point High put an average of 21.7 points on the scoreboard, per game, while holding their formidable opponents to an 8.4 yard average; and

WHEREAS, sharing the glory and credit for such an outstanding season were Warriors: Mike Simmons, Keith Elam, Patrick Cleghorn, Greg Campbell, Scottie Stevens, Keenan Simmons, Heith Yearwood, Pat Callan, Jeff Compton, Darrell Bradford, Rodney Wallace, Clark Farley, Chris Parker, Keith Sellers, Shannon Johnson, Wesley Phillips, William Griggs, Johnny Campbell, Joey Burnham, Bruce Abbott, David Sachs, David McCravey, Glenn Runge, Randy Jones, Craig Naler, Jeff Sandlin, Dennis Bradford, Mark Kreiger, Ron Persall, Tracy Holmes, Chris Callan, Shan Pearson, Paul Abbott, Don Hopper, Eugene Ray, Jeff McCravey, Roger McManus, Mark Hood, Andrew Machristie, Delane Kelly, Johnny Cook and Charles Winfrey; and

WHEREAS, also to be recognized for their significant contributions are Managers Steve Reed and Richard Skinner and Trainers Jeff Reed and Roger Guthrie; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Cullman County's West Point High School 2A Warriors on an outstanding

1985 Football Season and direct that copies of this resolution be forwarded to the school for appropriate presentation and display.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 54, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Johnson (RW), leave of absence was granted for Rep. Brakefield.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will meet again at 10:00 o'clock a.m., Thursday, January 23, 1986.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 55. CONGRATULATING OUR COLLEAGUE JACK VENABLE AS THE MOST OUTSTANDING MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1985.

Also:

By Rep. Flowers:

H. R. 56. CONGRATULATING MR. AND MRS. ROY CROW OF TROY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 57. CONGRATULATING MR. AND MRS. LAMAR FLOYD ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 58. CONGRATULATING MR. AND MRS. FRANK O. BRYAN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 59. CONGRATULATING MR. AND MRS. RUBIN LINDSEY OF PIKE COUNTY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 60. CONGRATULATING MR. AND MRS. CURRY JOHNSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 61. CONGRATULATING MR. AND MRS. GROVER O. JOHNSTON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 62. CONGRATULATING MR. AND MRS. ELMER FLEMING ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 63. CONGRATULATING MR. AND MRS. MOSE SHEPPARD ON THE OCCASION OF THEIR 61ST WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 64. CONGRATULATING MR. AND MRS. SANDERS SHIRLEY ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 65. CONGRATULATING MR. AND MRS. J. G. PORTERFIELD OF TROY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Hooper, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 66. COMMENDING BOBBYE M. BONHAM FOR HER LONG AND ABLE SERVICE IN THE FIELD OF PUBLIC EDUCATION AND WISHING HER A HAPPY RETIREMENT.

WHEREAS, Mrs. Bobbye M. Bonham retired the first of this year after more than 30 years of service to this state in the field of public education; and

WHEREAS, Mrs. Bonham, who is the wife of John D. Bonham of our Legislative Reference Service, commenced her professional career in education as a teacher in the public schools of Monroe County where she was chosen the "Outstanding Young Teacher of Monroe County" the first year she taught school; and

WHEREAS, she continued her career in the public schools of Montgomery County as an elementary teacher in MacMillan and Bear Schools until she was elevated to the position of Principal of Seth Johnson Elementary School in 1970 where she served ably and well until her retirement; and

WHEREAS, she was honored upon her retirement by being presented with the "Key to the City" of Montgomery by Mayor Emory Folmar and presented the E. D. Nixon Award by Mr. E. D. Nixon; and

WHEREAS, her services and the love and concern she showed to the children, parents and teachers of her school will be greatly missed, yet she has earned a long and happy retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do thank Mrs. Bobbye M. Bonham, on behalf of the citizens of this state for her long, faithful, loving and able service and we do wish her a lengthy and happy retirement.

BE IT FURTHER RESOLVED, That Mrs. Bonham be presented with a copy of this resolution as a token of our esteem.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 66, was adopted.

Also:

By Rep. Hooper:

H. J. R. 67. RECOGNIZING AND ENDORSING JANUARY 20-24, 1986, AS LAW AWARENESS WEEK IN ALABAMA.

WHEREAS, several years ago, the Law Awareness Club was organized at Montgomery Highland Avenue School and has since been cited on numerous occasions for the membership's activities in combating crime and drug abuse; and

WHEREAS, the Highland Avenue Law Awareness Club indeed merits highest commendation for its exemplification of good citizenship through responsible involvement in support of law enforcement and in assault against crime; and

WHEREAS, on behalf of said Law Enforcement Club, Governor George C. Wallace has proclaimed January 20-24, 1986, as "Law Awareness Week" in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in further commendation of the Highland Avenue Law Awareness Club, we hereby express full endorsement and support of Law Awareness Week as proclaimed by the Honorable George C. Wallace.

BE IT FURTHER RESOLVED, That a copy of this resolution of commendation and support be forwarded to the Highland Avenue School, Montgomery, Alabama.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 67, was adopted.

Also:

By Reps. Gaston, Turner, Marietta and Kvalheim:

H. J. R. 68. COMMENDING WILLIAM C. MORRIS OF MOBILE, RENOWNED ARTIST AND COMMUNITY LEADER.

WHEREAS, in a desire to recognize Alabamians of outstanding achievement, the Legislature of Alabama notes the numerous and notable accomplishments of William C. Morris of Mobile, Alabama; and

WHEREAS, Mr. Morris, in 1984-85, became the first artist in Alabama History to win both the Federal and home state Duck Stamp Contests in the same year; and

WHEREAS, he also has been elected winner of the Mobile Arts Association Juried Show, and was named Alabama Ducks Unlimited Artist of the Year by the Louisiana Wildfowl Collectors Guild; and

WHEREAS, it is further to be noted, with highest commendation, that Mr. Morris has most generously donated art work to, or on behalf of, the Mobile Preschool for the Deaf, Boy Scouts of America, Boys Club of Mobile, Mobile Opera Guild, Ducks Unlimited, Gulf Coast Conservation Association and University of South Alabama Cancer Research, among others; and

WHEREAS, in outstanding civic and community service Mr. Morris is a past president of the Corpus Christi Catholic Church P.T.A., Scout Master of Boy Scout Troop 17, and a past first vice president of the Mobile Art Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend William C. Morris of Mobile, Alabama, for outstanding achievement as a gifted and distinguished artist, and for his numerous contributions to the community.

BE IT FURTHER RESOLVED, That in token of our highest personal regard, a copy of this resolution shall be forwarded to Mr. Morris.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 68, was adopted.

Also:

By Rep. Gaston:

H. J. R. 69. COMMENDING MARGARET SOLBERGER OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, in a desire to recognize those of our citizens who have dedicated themselves in community service, the Alabama Legislature notes with highest commendation the longtime involvement of Margaret Solberger in numerous areas of civic and community concern; and

WHEREAS, a resident of Mobile, Alabama, and a former teacher at Davidson High School of that city from 1962 to 1968, Ms. Solberger holds the Bachelor's degree from Florida State College for Women and the Master's degree earned at Florida State University; and

WHEREAS, Ms. Solberger, who was employed by the Department of Pensions and Security from 1970 to 1985, as supervisor in charge of Family and Children's Services, is a past member of both the Head Start Policy Council and the Mobile Community Action Board, and is a past president of the Mobile County Health Department Family Planning Advisory Board; and

WHEREAS, she currently serves as a board member of the Catholic Service Center and is an active member of St. Matthews Episcopal Church and the recipient of a Gayfer's Outstanding Career Woman award for 1985; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Margaret Solberger of Mobile, Alabama, for distinguished community service and direct that she receive a copy of this resolution, executed in sincere praise and in warmest personal regard of her numerous accomplishments.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 69, was adopted.

Also:

By Rep. Cosby:

H. J. R. 70. COMMENDING KATHRYN TUCKER WINDHAM OF SELMA, ALABAMA, RECIPIENT OF THE 1985 "LIVING FOR AMERICA" AWARD.

WHEREAS, in consensus of commendation, the Legislature of Alabama extends heartiest congratulations to Kathryn Tucker Windham of Selma, Alabama, the recipient of the 1985 "Living for America" award, an annual presentation jointly bestowed by the City of Selma, the Selma-Dallas County Chamber of Commerce and the Alabama Department of Tourism and Travel; and

WHEREAS, Mrs. Windham, who is Alabama's most celebrated writer, storyteller and humorist, is a former reporter and columnist with The Birmingham News, The Montgomery Advertiser and Journal, and The Selma Times-Journal; she also is the author of 14 books and has rendered audiences spellbound, nationwide, with her ghost stories and other tales, and with her portrayal of Alabama's Julia Tutwiler, a pioneer champion for women's rights and prison reform, in a one-woman show titled "My Name is Julia"; and

WHEREAS, it is significant to note that in joining former "Living for America" award recipients—Governor George C. Wallace, former Postmaster-General Winton Blount, United States Senator Jeremiah Denton and entertainer George Lindsay—Mrs. Windham not only joined a select group of prominent Alabamians, but most certainly brought a smile to Julia Tutwiler's lips as she looked down on the addition of her portrayer's name to a previously all-male roster; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Kathryn Tucker Windham of Selma, Alabama, for outstanding achievement, and as a gracious lady who so generously shares with others her boundless love and quick, warm smile.

BE IT FURTHER RESOLVED, That in small token of our deep admiration and personal regard, a copy of this resolution shall be forwarded to Mrs. Windham.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 70, was adopted.

Also:

By Rep. Cosby:

H. J. R. 71. COMMENDING THE EDGEWOOD JUNIOR GARDENERS OF EDGEWOOD ELEMENTARY SCHOOL, SELMA, ALABAMA.

WHEREAS, in consensus of highest commendation, the Alabama Legislature notes the presentation of the Winifred F. Fink Youth Environmental Concern Award to the Edgewood Junior Gardeners of Edgewood Elementary School, Selma, Alabama; and

WHEREAS, this prestigious honor of the National Council of Garden Clubs was awarded at the council's 1985 Spring Convention in Nashville, Tennessee, and was established in tribute to Mrs. Fink, a past president of the national council, and in further purpose, to encourage youth awareness and efforts toward environmental concern; and

WHEREAS, it is also to be noted, with extreme pride, that the Edgewood Junior Gardeners were adjudged most outstanding over all elementary, middle school, and high school junior gardeners in the entire nation; it was the first time, as well, in the fifty-year history of the National Council of Garden Clubs that the Selma clubs have been the recipient of a national award; and

WHEREAS, the Edgewood Junior Gardeners, organized in 1974 with 14 members of a special education class, has now expanded to a membership of 353 from the school's enrollment of more than 500, an impressive indication of the far-reaching effect of the Junior Gardeners' projects on the student body, their families and community, and on the faculty of Edgewood School; and

WHEREAS, additionally to be commended for loyal and staunch support are the club's leader and co-leader, Mrs. Robert Childs and Mrs. Ann Thomas; Mr. Don Raybon, principal; Mr. Bill Brackin of Lakeview Nursery; Mrs. Charles W. Breeding, sponsor; Mrs. Fred Davis, president of the City Garden Club of Selma; and numerous other loyal benefactors and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and in deep appreciation for the honor they have brought to the City of Selma and the State of Alabama, we hereby most highly commend the Edgewood Junior Gardeners of Edgewood Elementary School, and direct that copies of this resolution of praise be forwarded to Mrs. Charles W. Breeding, club sponsor since 1974, for appropriate presentation and display.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 71, was adopted.

Also:

By Rep. Lindsey:

H. J. R. 72. COMMENDING THE SAND ROCK HIGH SCHOOL WILDCATS, STATE 1A FOOTBALL CHAMPIONS FOR 1985.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Sand Rock High School Wildcats on their 1985 State 1A Football Championship following a 14-6 victory over Repton in the finals; and

WHEREAS, under the talented leadership and direction of Coaches Roland Hendon, Russell Jacoway, James Rowe, Larry Wright and Eric Roebuck, the Wildcats were one of only two teams in the entire state to finish the '85 season with an unblemished record; in addition to their perfect 15-0 season, Sand Rock also compiled such envious statistics as 400 total points, averaging 26.7 per game, against 53 points allowed for a 3.5 average for their formidable opponents; and

WHEREAS, sharing the glory and credit for such an outstanding season, including seven shut-out games, were Wildcats Toby Clanton, Bert St. Clair, Phil Bryant, Shane Giles, Lance Mackey, Scott Norris, Sam McCoy, Jeff Whaley, Lou Honaker, Lamar Gifford, Kevin Reese, Greg Parker, Woodie Clanton, Jim Tom Stimpson, Craig Twilley, Dwain Boyd, Jamie Pitts, Dan Andrews, Steven Allen, Mark Clanton, Joey Beard, Tommy Rowe, Eric Mackey, Richard Snider, Chris St. Clair, Clayton Robertson, Tommy Steele, Tod Morgan, Jeff Prater, Joe Oliver, Mark Parker, Lyndon Tidwell, Mark Wallace, Jay Morgan, Dewayne Heard, Artie Mackey and David Rollins; and

WHEREAS, also to be recognized for their significant contributions were Sand Rock's Varsity Cheerleaders and Managers Lance Bryant, Michael Richardson and Johnny Moses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Sand Rock High School as our state's 1985 1A Football Champions and direct that copies of this resolution be forwarded to principal L. D. Pearson for appropriate presentation and school display.

On motion of Rep. Lindsey, the rules were suspended and the resolution, H. J. R. 72, was adopted.

Also:

By Rep. Lindsey:

H. J. R. 73. CONGRATULATING BARRY S. COCHRAN, EXECUTIVE DIRECTOR OF BAPTIST MEDICAL CENTER CHEROKEE.

WHEREAS, it is in consensus of commendation that the Alabama Legislature extends congratulations to Barry S. Cochran upon his appointment as Executive Director and Chief Operating Officer of Baptist Medical Center Cherokee; and

WHEREAS, a native and lifelong resident of Centre, Alabama, Mr. Cochran has been associated with BMC Cherokee since 1980, serving in previous capacity as Director of Pharmacy and Materials Manager, Director of Patient Care Services and as Acting Director immediately prior to his permanent appointment by The Baptist Medical Centers; and

WHEREAS, Mr. Cochran, who is a graduate of Cherokee County High School and of Samford University, is currently enrolled in the Health Service Administrative Directors Program at the University of Alabama in Birmingham; and

WHEREAS, Barry Cochran's appointment to this responsible position is indeed an outstanding honor and a reflection, as well, of the community's and BMC's regard for his proven ability and performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend

Barry S. Cochran of Centre, Alabama, for outstanding achievement and direct that he receive a copy of this resolution expressing our sincere warm praise and esteem.

On motion of Rep. Lindsey, the rules were suspended and the resolution, H. J. R. 73, was adopted.

Also:

By Rep. Turner:

H. J. R. 74. REQUESTING THE ATTORNEY GENERAL AND STATE INSURANCE COMMISSIONER TO ENFORCE THE PROVISIONS OF SECTION 27-1-10 OF THE CODE OF ALABAMA.

WHEREAS, this legislature in 1975 passed an act that was placed in the Code of Alabama as Section 27-1-10 which reads as follows:

"§27-1-10. Payment for health services of chiropractor; insured to have exclusive right to select practitioner of healing arts.

"Any contract or policy of insurance or any plan or agreement for health services providing for reimbursement or payment for health services performed by a medical doctor or physician or upon the certification of a medical doctor, surgeon, osteopath or physician, shall also reimburse or pay for such health services performed by a doctor of chiropractic or upon his certificate; provided, that the health services performed by the doctor of chiropractic are within the scope of his license and he is duly licensed by the state of Alabama.

"The insured or such other person entitled to benefits under such contract or policy of insurance or plan or agreement for health services shall have the exclusive right to choose or select any practitioner or member of the healing arts of Alabama to perform such services, notwithstanding any provisions of such contract or policy of insurance or plan or agreement for health services to the contrary. (Acts 1975, No. 1101, §1.)"; and

WHEREAS, by the passage of this act, this legislature was making it eminently clear, and making it a right protected by law, that each citizen could choose the type of health care practitioner to perform health services and to be reimbursed by their insurance carrier for the services rendered regardless of the branch of the healing arts chosen; and

WHEREAS, it has come to the attention of the legislature that some health service insurance carriers doing business in this state are not abiding by the provisions of the above-cited law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do respectfully request the Attorney General and the Insurance Commissioner of this state to see that the provisions of Section 27-1-10, Code of Alabama 1975, are fully enforced against any health service insurance carrier doing business in this state and to take appropriate action against any such carrier refusing or failing to obey the laws of this state.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 74, was adopted.

H. 228 RE-REFERRED

On motion of Rep. Turner, the Speaker re-referred the bill, H. 228, from the Standing Committee on Public Utilities and Transportation to the Standing Committee on Ways and Means.

H. 202 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 202, from the Standing Committee on Ways and Means to the Standing Committee on Health.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 75. COMMENDING MADGE MYERS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 76. COMMENDING RUBY D. CAGLE FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 77. COMMENDING DR. J. K. BROWDER FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 78. COMMENDING RUDOLPH JONES FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 79. COMMENDING IVA DERRICK FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 80. COMMENDING ARLEN GREDE FOR OUTSTANDING COMMUNITY SERVICE.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 16. CONGRATULATING MR. AND MRS. C. T. PENNY OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 17. COMMENDING RETIRED POLICE CHIEF, ROBERT LOVE, OF PLEASANT GROVE, ALABAMA.

Also:

H. J. R. 25. RELATIVE TO MEETING DAYS.

Also:

H. J. R. 28. COMMENDING THE CLASS OF 1934, THOMAS GOODE JONES SCHOOL OF LAW.

Also:

H. J. R. 37. INVITING THE HONORABLE DAVID E. NETHING TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 38. MOURNING THE DEATH OF EUGENE E. DUTTON OF HOLLYWOOD, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 24. RECOGNIZING THE KIMBERLY CLARK CORPORATION AND ITS CHILDERSBURG PLANT FOR SIGNIFICANT CONTRIBUTIONS TO THE COMMUNITY AND THE ENTIRE STATE OF ALABAMA.

Also:

By Senator Mitchem:

S. J. R. 26. COMMENDING ARTHUR H. BAUGH OF ALBERTVILLE, ALABAMA, ON HIS DISTINGUISHED CAREER IN PUBLIC EDUCATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 24 and S. J. R. 26, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 33. RECALLING THE 1986 STATE CALENDARS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Holmes offered the motion that the House concur in and adopt the Senate amendment to the resolution, H. J. R. 33, said Senate amendment being as follows:

Amend H. J. R. 33 Bill No. Page 1 Line 15, by inserting the following words after the word "Jr." requiring the cost of said new re-issue be absorbed by the budget of this fiscal year of the department responsible for the original printing thereof.

SUBSTITUTE MOTION TABLED

On motion of Rep. Holmes, the substitute motion offered by Rep. Harper that the House non-concur in the Senate amendment to the resolution, H. J. R. 33, and appoint a Committee on Conference to resolve the differences between the two Houses, was tabled.

Yeas 44; Nays 20.

Yeas:

Mr. Speaker, Black, Britnell, Browder, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Grayson, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Martin, Mathis, McDowell, Melton, Newman, Onderdonk, Perdue, Poole, Reed, Tanner, Thomas, Warren, White (F) and Zoghby.

—44

Nays:

Reps. Brooks, Butler, Carter, Flowers, Gaston, Hall, Harvey, Kvalheim, Marietta, McKee, McMillan, Mitchell, Parker, Payne, Penry, Rains, Seibels, Spratt, Turnham and White (G).

—20

AMENDMENT ADOPTED

The question then was on the motion offered by Rep. Holmes that the House concur in and adopt the Senate amendment to the resolution, H. J. R. 33, and the motion was adopted.

Yeas 53; Nays 11.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Boles, Box, Britnell, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Ford, Grayson, Hammett, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lauderdale, Martin, Mathis, McDowell, Melton, Newman, Onderdonk, Perdue, Poole, Preuitt, Reed, Richardson, Smith, Spratt, Thomas, Turner, White (F) and Zoghby.

—53

Nays:

Reps. Brooks, Gaston, Hall, Harper, Harvey, Kvalheim, Marietta, McKee, McMillan, Penry and White (G).

—11

RESOLUTION ADOPTED

And the resolution, H. J. R. 33, as thus amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Langford and Dixon:

S. J. R. 37. COMMENDING MISS EMMA MANNING, MONTGOMERY, ALABAMA, ON THE OCCASION OF HER 80TH BIRTHDAY.

Also:

By Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 39. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE BROOKS HINES OF BREWTON, ALABAMA.

Also:

By Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Menton, Mitchem, Parsons, Sanders, Smith (B),Smith (J), Strong, and Teague:

S. J. R. 40. COMMENDING AUBURN UNIVERSITY'S BO JACKSON AS THE RECIPIENT OF THE 1985 HEISMAN TROPHY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 37, S. J. R. 39 and S. J. R. 40, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dixon, Bedsole, Cabaniss, Hand, Bedford, Dial, Little, deGraffenried, and Langford:

S. J. R. 18. NAMING THE ALABAMA SHAKESPEARE FESTIVAL THEATRE, IN MONTGOMERY, ALABAMA, "THE CAROLYN BLOUNT THEATRE."

Also:

By Senator Goodwin:

S. J. R. 22. COMMENDING KATHRYN TUCKER WINDHAM OF SELMA, ALABAMA, RECIPIENT OF THE 1985 "LIVING FOR AMERICA" AWARD.

Also:

By Senator Goodwin:

S. J. R. 21. COMMENDING THE EDGEWOOD JUNIOR GARDENERS OF EDGEWOOD ELEMENTARY SCHOOL, SELMA, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 18, S. J. R. 22 and S. J. R. 21, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon, Langford, Mitchem, Bedsole, deGraffenried, and Ellis:

S. J. R. 3. INVITING DR. ALBERT B. SABIN AS THE DEVELOPER OF THE ORAL POLIO VACCINE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, poliomyelitis existed untreated in the world as a major threat to human health resulting in many deaths and untold cases of permanent paralysis; and

WHEREAS, researchers worked many years to develop a vaccine to prevent its existence; and

WHEREAS, Dr. Albert B. Sabin, through extensive research developed an oral vaccine which received worldwide preliminary trials; and

WHEREAS, in nineteen hundred and sixty the oral polio vaccine developed by Dr. Sabin was first used in Europe and late in nineteen hundred and sixty was approved for use in the United States of America; and

WHEREAS, in nineteen hundred and sixty-two through nineteen hundred and sixty-four approximately one hundred million Americans of all ages received the vaccine including over two million Alabamians in nineteen hundred and sixty-three, the first year the vaccine was available in Alabama; and

WHEREAS, Alabama, along with the rest of the world, experienced a reduction in the incidence of this dreaded disease; and

WHEREAS, the vaccine developed by Dr. Sabin has prevented an estimated five million cases of paralytic polio; and

WHEREAS, Dr. Sabin has received over thirty honorary degrees and is a recipient of numerous awards, including the United States National Medal of Science, presented to him by the President of the United States, in nineteen hundred and seventy-one; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Dr. Albert B. Sabin, developer of the oral polio vaccine, to address the Alabama Legislature on Thursday, March twenty-seventh, nineteen hundred and eighty-six, at 12:00 noon at which time the Legislature shall convene in joint session.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to forward a copy of this resolution to Dr. Sabin in hopeful anticipitation of his acceptance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S. J. R. 34. CLARIFICATION OF THE CERTIFICATE OF NEED LAW.

WHEREAS, the Legislature passed the Alabama Certificate of Need Law, Ala. Code §22-21-265 et seq. (1975); and

WHEREAS, the Legislature has become aware that a dispute has arisen as to its intent in the passage of said law as it relates to those home health agencies in existence and in operation prior to November 1, 1979; and

WHEREAS, it is and has been the intent of the Legislature in enacting said law, neither to rescind any rights held by such home health agencies prior to November 1, 1979, nor to limit the potential geographical scope of operations of such home health agencies except as provided in Ala. Code §22-21-263(a) (1)-(4) (1975); and

WHEREAS, the definition of new institutional health services contained in the statute at Ala. Code §22-21-263(a) (1)-(4) (1975) does not designate the geographical expansion of a home health agency as a new institutional health service except insofar as any such expansion results in a capital expenditure in excess of $600,000.00 (indexed) or results in the offering of health services not offered on a regular basis through the facility in the twelve month period prior to the expansion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is and was the intent of the Legislature in enacting the Alabama Certificate of Need Law, Ala. Code §22-21-265 et seq. (1975), not to limit the expansion of existing health services into additional geographic areas by home health agencies operating in Alabama prior to November 1, 1979, unless the expansion into any particular geographical area not previously served results either in a capital expenditure in excess of $600,000.00 (indexed), or the offering of health services which previously have not been offered on a regular basis through such home health agencies within the twelve months immediately prior to the expansion.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 34, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dial and Bedsole:

S. J. R. 19. COMMITTEE APPOINTED TO DETERMINE THE COST OF RENOVATING THE ALABAMA STATE HOUSE.

BE IT RESOLVED WITH BOTH HOUSES CONCURRING, That a Committee of two (2) Senators appointed by the Lt. Governor and two (2) House members appointed by the Speaker of the House be formed to determine the actual expense of renovating the new State House Building, formerly known as the old Highway Building. This Committee shall determine cost, where money came from to pay said cost and what agencies are involved.

This Committee shall report back to the Legislature prior to the end of the 1986 Regular Session.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 19, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Rep. Johnson (RW) and pursuant to the motion heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, January 23, 1986.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, January 23, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Walter G. Nunn, University Baptist Church of Huntsville, Huntsville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Johnson (RW), the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Starr, leave of absence was granted for Rep. Mikell.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will meet again at 3:00 o'clock p.m., Tuesday, January 28, 1986.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Reps. Rogers and Moore.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 59. (With Amendment): To amend Act No. 85-123 of the First Special Session, 1985, to provide clarifications as to how funds appropriated to the State Soil and Water Conservation Development Commission may be expended.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 132. To create the Municipal Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among incorporated municipalities; and to provide for the uses to which such monies shall be put.

H. 78. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to $5.00 less than the regular per diem allowance fixed by the governor.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 206. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the

Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

H. 290. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 276. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the surface mining reclamation commission as provided in Sections 9-16-1 through 9-16-53 of the Code of Alabama, and the legislature's concurrence thereof.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 220. To require all state entities and political sub-divisions thereof to purchase American made goods and to provide that contracts in violation are void.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 179. (With Substitute): Relating to the acquisition and transportation and transplantation of donor organs; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, and/or transplantation but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation and/or transplantation of organs shall strictly adhere to and follow established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they

shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 202. (With Amendment): To require insurance companies which sells medical liability insurance in this state to report to the appropriate state licensing agencies any judgment or settlement resulting from a claim for personal injuries caused by an error, omission or negligence in the performance of professional services; to provide for the form and content of the report made by the insurance company; to provide for the confidentially of all reports required by this provision and all findings and records made by the licensing board thereon; to provide penalties for failure to make required reports; to provide for the severability of the provisions of this act; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this Act.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 253. To permit local boards of education and the Alabama Institute for Deaf and Blind to use a part of their kindergarten teacher unit funds under certain conditions to employ teacher aides to assist with the kindergarten instructional program based upon criteria established by the state superintendent of education and with his prior approval.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 90. (With Amendment): To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 23. To make the use of gill, trammel, or similar nets in the public streams and impoundments of the State of Alabama above Highway 278 illegal.

H. 172. To amend Section 33-7-3 of the Code of Alabama 1975, relating to the offense of obstructing navigable watercourses, so as to redefine such

offense and increase the penalty therefor; to provide for a reward for certain testimony against such offenders and to provide that the state and county shall exercise concurrent jurisdiction in the prosecution of such offenders.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 264. Relating to Washington County; amending Act No. 39, H. 185, 1965 Regular Session, (Acts 1965, p. 57), which provides for the compensation of the members of the board of registrars, so as to provide further for said compensation.

H. 315. Relating to Clay County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 126. Relating to further duties of the Mobile County Commission and providing financial reports for publication; providing that the provisions of the act shall be cumulative to any and all other laws relating to the duties of the chairman and members of the county commission.

H. 231. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner and other elected officials in Mobile County.

H. 232. Relating to Mobile County, amending Section 1 of Act No. 478, H. 635 of the 1983 Regular Session of the Legislature (Acts 1983, p. 670), authorizing and empowering the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carriers for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

H. 258. Relating to Mobile County, requiring the county governing body to pay from the county general fund, or from any county fund designated for roads and bridges, a portion of the expense, or the entire expense, of relocating, removing, or replacing certain water or gas pipes and lines owned by rural or municipal water or gas authorities or systems when such relocation, removal or replacement is required or made necessary by public road maintenance, construction, bridge repair or replacement undertaken by the County of Mobile; and repealing conflicting laws.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 183. (With Amendment): Relating to Mobile County; to provide that certain funds in the county treasury shall be expended equally among the county commission districts, effective October 1, 1986, and thereafter.

H. 112 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 112, from the Standing Committee on Ways and Means to the Standing Committee on Agriculture and Forestry.

H. 68 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 68, from the Standing Committee on Ways and Means to the Standing Committee on Agriculture and Forestry.

H. 222 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 222, from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Richardson:

H. 316. To amend Sections 32-12-22, 32-6-1, 32-6-3, 32-6-4, and 32-6-8 of the Code of Alabama 1975, relating to motorcycles and motor-driven cycles, so as to provide further for the licensing therefor, and relating to motor vehicles and obtaining a driver's license to operate a motor-driven cycle, so as to provide that the director of public safety or an examining officer shall observe the applicant operate a motor-driven cycle in a competent manner prior to the granting of an operator's license and to increase the fees and further provide for the requirements of licensing motor-driven cycles and motorcycles.

Committee on State Administration.

By Rep. Richardson:

H. 317. To amend Section 41-9-708, Code of Alabama 1975, relating to the Alabama Indian Affairs Commission, so as to give the Native Americans of Jackson County representation on said commission.

Committee on State Administration.

By Rep. White (L):

H. 318. To provide for health maintenance organizations (HMO's); to provide definitions; to provide for a procedure for the issuance, renewal, suspension, fees and application for certificate of authority for HMO's; to create a governing body for HMO enrollees and for its fiduciary duties; to provide for the licensing of agents of HMO's; to provide for the powers, duties and responsibilities of HMO's; to provide for the administration and regulation of HMO's by the insurance commissioner and state health officer and to grant rule making powers for implementation; to provide for enforcement for the provisions of this act and to provide penalties for violation.

Committee on Health.

By Rep. White (L):

H. 319. To amend Section 34-23-31, Code of Alabama 1975, which

provides for permits for mail-order houses which dispense drugs through the mail, so as to provide further for the fees for said permits.

Committee on Health.

By Rep. Faulk (With Notice and Proof):

H. 320. Relating to the Second Judicial Circuit; the District Attorney shall have the authority to have the investigator and other employees of his office to assist him in the presence of the grand jury except when said jury is deliberating.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 320, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Faulk (With Notice and Proof):

H. 321. To amend Act No. 185, S. 91, 1975 Regular Session, which provides for an expense allowance for the circuit court reporter of the Second Judicial Circuit, so as to provide further for said expense allowance.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 321, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Adams:

H. 322. To propose a law to authorize two or more school boards to establish self-funded insurance funds for the purpose of providing liability protection of the member school boards.

Committee on Education.

By Rep. Johnson (RW):

H. 323. To provide for a certain cost-of-living increase to all surviving beneficiaries of members of the Employees' Retirement System of Alabama who became eligible for such benefits prior to October 1, 1986; to provide that no survivor beneficiary of an employee under the Employees' Retirement System whose benefits are based primarily upon service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975 shall be entitled to receive said increase unless the employer by which such employee was employed elects to come under the provisions of this act; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; and to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama.

Committee on Ways and Means.

By Reps. Nicholson, Carothers, Box, Brakefield, Payne, Hooper, Burke,

Lauderdale, Carter, Butler, Richardson, Hettinger, Seibels, White (L), Holmes, Junkins, Marietta, Venable, Albright, Hammett, Dutton, Trammell, Grouby, Johnson (RW), and Harper:

H. 324. To amend Section 30-1-4, Code of Alabama 1975, which provides the minimum age for contracting marriage, so as to increase the age to sixteen.

Committee on Public Welfare.

By Reps. Marietta, Fuller, Hettinger, Box, Zoghby, Tanner, Onderdonk, and Harper:

H. 325. Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks.

Committee on Insurance.

By Reps. Marietta, Fuller, Hettinger, Box, Zoghby, Tanner, Nicholson, Onderdonk, and Hooper:

H. 326. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this act.

Committee on Insurance.

By Rep. Marietta:

H. 327. To amend section 13A-12-110 of the Code of Alabama 1975, relating to prostitution offenses, so as to redefine certain terms relating to such offenses.

Committee on Judiciary.

By Rep. Marietta:

H. 328. To make it a felonious offense for certain persons to possess firearms on or about the premises of certain establishments where alcoholic beverages are sold and consumed.

Committee on Judiciary.

By Rep. Marietta:

H. 329. To amend Sections 26-10-8 and 26-10-9, Code of Alabama 1975, relating to violations and the crime of advertising or inducements to parents to part with their offspring; so as to prohibit any parent, guardian, agency or legal custodian of a child, or any other person, to receive anything of value as consideration for the relinquishment of a child for adoption or sale; to prescribe Class C felony punishment for such crime, upon conviction thereof; and to provide for the assessment of incidental costs if they are reimbursements for expenses incurred or fees for services rendered.

Committee on Judiciary.

By Rep. Johnson (RW):

H. 330. To amend §16-25-14 (g) and §36-27-16-(c) to incorporate the benefit provided in §36-27B-3 and the non-spouse beneficiary designation option provided in Act No. 85-44 and to provide persons eligible for retirement the same preretirement death benefit options provided to persons not eligible for retirement after 25 years of service and to amend §36-27B-3 relating to the preretirement death benefit to clarify such section and conform it and §16-25-14 (g) and §36-27-16 (c).

Committee on Ways and Means.

By Reps. Faulk, Martin, and Nicholson:

H. 331. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

Committee on Local Government.

By Rep. Coleman:

H. 332. To amend Section 34-27-35 of the Code of Alabama 1975, relating to the regulation of real estate companies, brokers, and salesmen, so as to provide further for annual license fees.

Committee on State Administration.

By Rep. Coleman:

H. 333. To establish a condemnation law of the State of Alabama for vehicles and equipment used in setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Code of Ala. (1975), Sec. 9-13-11(a)(1).

Committee on Judiciary.

By Reps. Turnham and Junkins:

H. 334. To create a State Publications Depository Program for maximum availability and distribution of state publications to the public; to establish the Alabama Publication Clearinghouse, as a division of the Alabama Public Library Service, and to provide for its operations, duties and authority; to authorize the Alabama Public Library Service to make and implement reasonable rules and regulations; to establish the Advisory Council for the State Publications Depository Program and to provide for the membership, terms, duties, qualifications and powers; to define the duties and powers of the Alabama Department of Archives and History relative to the depository program for state publications and the distribution of microform products; to require each state agency to designate a publications officer from among its staff and to notify the said Clearinghouse of the designee, and to provide certain state documents and related information; to provide for the criteria and eligibility of depositories, including the United States government depository libraries; to provide that funding be from appropriations made to the use of the Alabama Public Library Service; to provide for the said service

to make reimbursement of certain reasonable costs of producing microforms by the Department of Archives and History; to repeal sections 41-13-20 and 41-13-21, Code of Alabama 1975, as amended, which established the State Records Commission and duties and conflicting laws.

Committee on Ways and Means.

By Reps. Laird and Fuller:

H. 335. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

Committee on Small Business.

By Rep. Hooper:

H. 336. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

Committee on State Administration.

By Rep. Hooper:

H. 337. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Committee on Constitution and Elections.

By Rep. Clark (J):

H. 338. To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from the gross receipts tax, so as to include receipts from the telecasting or broadcasting of athletic contests conducted by non-profit organizations, educational institutions and associations composed of educational institutions within said exemption.

Committee on Ways and Means.

By Rep. Mitchell:

H. 339. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county governing body of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Committee on Local Government.

By Reps. Gaston, Martin, McMillan, Marietta, Kvalheim, Penry, Blakeney, Hammett, and Harper:

H. 340. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to increase the penalties for committing said offense.

Committee on Public Utilities and Transportation.

By Reps. Kvalheim, Gaston, Harper, Marietta, Clark (W), Kennedy, Box, Zoghby, and Turner (With Notice and Proof):

H. 341. To amend the title and Section 2 of Act No. 85-694, H. 954, Regular Session of 1985, approved May 29, 1985, entitled, "An Act To amend Act No. 81-446, H. 679, 1981 Regular Session, entitled, 'An Act Relating to Mobile County; to provide further for the compensation of election employees and officers,' " so as to provide for retroactive effect.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 341, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers, Mathis, and Johnson (RG):

H. 342. Relating to repurchase of inventory from farm equipment retailers so as to provide further for every wholesaler, manufacturer or distributor to provide to its retail dealers, on an annual basis, an opportunity to return a portion of the retailers surplus parts inventory for credit.

Committee on Agriculture and Forestry.

By Reps. Carothers, Johnson (RG), and Venable:

H. 343. To amend Sections 16-1-1 and 21-1-5, Code of Alabama, 1975, to change the fiscal year from October 1 through September 30, inclusive, to July 1 through June 30, inclusive, of each year; to amend Section 16-13-145, Code of Alabama, 1975; to clarify the definition of "Scholastic Day" in Section 16-1-1, Code of Alabama, 1975.

Committee on Ways and Means.

By Rep. Turnham:

H. 344. To amend Act. No. 85-691, 1985 Regular Session, in order to provide that the Alabama Manufactured Housing Commission Fund shall be changed from a revolving fund to a special revenue trust fund that functions in accordance with state budgetary control procedures.

Committee on State Administration.

By Rep. Turner:

H. 345. To provide that the governing body of any county or municipality may provide for health and medical insurance coverage for retired employees.

Committee on Local Government.

By Reps. Bugg and Junkins:

H. 346. Proposing an amendment to the Constitution of Alabama of 1901 to prohibit annexation of territory within Etowah County by municipalities outside of the county without a vote of the people of Etowah County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Venable:

H. 347. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

Committee on Local Government.

By Rep. Tanner:

H. 348. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Shelby County and having its city hall or municipal headquarters located outside of the boundaries of Shelby County from annexing any future territory in Shelby County without prior referendum approval of a majority of the qualified electors of Shelby County; and providing for such referendum elections.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Onderdonk, Blakeney, Pratt, and Newman:

H. 349. Relating to the regulation of the production of oil and gas in this State; to amend Sections 9-17-1 and 40-20-1, Code of Alabama 1975, to define oil and gas terms, to amend Section 9-17-6, Code of Alabama 1975, relating to the powers and duties of the State Oil and Gas Board; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend Section 9-17-12 and Section 9-17-13, Code of Alabama 1975, to eliminate the requirement that the State Oil and Gas Board shall settle disputes relative to well costs; to amend Section 9-17-24, Code of Alabama 1975, to provide for the collection of application fees and to establish the Alabama State Oil and Gas Board Special Fund; to amend Section 9-17-32, Code of Alabama 1975, to provide for fines for violations of the rules, regulations, or orders of the State Oil and Gas Board.

Committee on Judiciary.

By Rep. Cosby:

H. 350. To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; to require permission or approval of the landowner; and to prescribe remedies and penalties for violation of the act.

Committee on Natural Resources.

By Rep. Cosby:

H. 351. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so

as to require such reports only on those fire losses where the loss exceeds the amount of $500.00.

Committee on Insurance.

By Rep. Blake:

H. 352. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

Committee on State Administration.

By Reps. Turner and Onderdonk:

H. 353. To amend Code of Alabama 1975, Section 9-17-25, so as to add an exemption for natural gas used in operation of natural gas processing plants, and gas compressors used at natural gas processing plants from the Conservation and Production Tax.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 354. To create the County Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among county governments; and to provide for the uses to which such moneys shall be put.

Committee on Ways and Means.

By Reps. Hooper, Gaston, and White (G):

H. 355. Proposing an amendment to the Constitution of Alabama relative to the power of recall.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Bugg:

H. J. R. 81. COMMENDING CAROLYN VEASY OF GADSDEN, ALABAMA, MISS ALABAMA STATE UNIVERSITY 1984-85.

WHEREAS, in highest commendation, the Alabama Legislature extends heartiest congratulations to Carolyn Veasy of Gadsden, Alabama, upon her selection as Miss Alabama State University, 1984-85; and

WHEREAS, Miss Veasy, the daughter of Mr. and Mrs. Shelly D. Veasy, is a graduate of Litchfield High School and is attending Alabama State University on an academic scholarship provided by the Alabama State University Gadsden Alumni Chapter; and

WHEREAS, a senior, who is majoring in computer information systems, Miss Veasy was nominated for the Miss ASU title by her sorority, Delta Sigma Theta, and her illustrious reign will include, among other duties, that of official university hostess; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Miss Alabama State University 1984-85, Carolyn Veasy of Gadsden, Alabama, and direct that she and her family receive copies of this resolution that they may know of our warm best wishes for Miss Veasy's every continuing success and happiness in life.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 81, was adopted.

Also:

By Rep. Bugg:

H. J. R. 82. HONORING MAURICE DEAN OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Maurice Dean of Gadsden, Alabama, is a prominent area businessman who recently celebrated the 50th Anniversary of the establishment of his successful auto parts firm in Gadsden; and

WHEREAS, a native of Montgomery County, Alabama, where he played football, basketball and baseball in high school, Mr. Dean's first employment was as an automobile mechanic; in 1929 he moved to Springville, and two years later to Gadsden where he has since operated his business, continuously with the exception of military service during World War II and, during which time, the business was run by a former partner; and

WHEREAS, Mr. Dean also holds a position of community leadership through involvement in numerous civic and charitable affairs; he is a member and steward of the First United Methodist Church of Gadsden, serves as scoutmaster for his church-sponsored Boy Scout Troop, and is a member of the Kiwanis Club and the Etowah Key Club, among other affiliations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Maurice Dean of Gadsden, Alabama, for outstanding personal achievement and dedicated community service.

BE IT FURTHER RESOLVED, That in token of our sincere and highest regard, a copy of this resolution shall be forwarded to Mr. Dean.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 82, was adopted.

Also:

By Rep. Bugg:

H. J. R. 83. COMMENDING CLARENCE W. DAUGETTE OF GADSDEN, ALABAMA, AS ETOWAH COUNTY'S PATRIOT OF THE YEAR.

WHEREAS, the Alabama Legislature notes with highest commendation the selection of Clarence W. Daugette as Etowah County's Patriot of the

Year, in recognition of his outstanding service to the community, state and nation; and

WHEREAS, a veteran of World War II, Col. Daugette was stationed in Europe where he participated in the Italian campaign as an infantry combat officer, battalion commander and regimental commander; and

WHEREAS, Col. Daugette's distinguished citations include the American Theatre and Army Commendation Medals, the Military Cross of Italy, the Purple Heart and the Bronze Star; and

WHEREAS, following the war, Col. Daugette returned to civilian life and entered the insurance business; he is the founder of Life Insurance Company of Alabama, which he serves as president and director, and also is president of The Rutledge Company, Inc., of Gadsden, president and director of First National Corporation of Jacksonville, chairman of the board of trustees of Jacksonville State University, and is an original trustee and Life Member of International House at Jacksonville State University; and

WHEREAS, Clarence W. Daugette is indeed a man of singular accomplishment, and his contributions to the Etowah County area of our State are truly outstanding, both in number and in benefit to all of Alabama and the citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Clarence W. Daugette of Gadsden, Alabama, for extraordinary achievement and direct that he receive a copy of this resolution, tendered in consensus of deep praise, admiration and regard.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 83, was adopted.

Also:

By Reps. Crow, Browder, Campbell and Blake:

H. J. R. 84. NAMING THE NATIONAL GUARD ARMORY IN OXFORD, ALABAMA, THE "AUBREY G. HICKS ARMORY."

WHEREAS, a native of Anniston, Alabama, and currently a resident of Oxford in Calhoun County, Aubrey Gene Hicks enlisted in the United States Army in August 1948, and was honorably discharged in June 1952, with the rank of corporal, having served with the Army of Occupation in Japan and during the Korean Conflict; and

WHEREAS, Aubrey Hicks enlisted in the Alabama National Guard in October 1954, as a corporal and was mobilized and called to active duty from October 1962, to August 1963; and

WHEREAS, he now holds the rank of warrant officer CW3 and has served with distinction in the Alabama Army National Guard in Oxford since 1954 and as a full-time technician at the Oxford National Guard Armory since June 1954; and

WHEREAS, Aubrey G. Hicks will retire from his position as full-time technician on February 9, 1986, and it is entirely appropriate and desirable that his long years of association with the Oxford National Guard Armory be recognized, and that tribute be made to his distinguished career with the Oxford Armory; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the National Guard Armory at Oxford, Alabama, the "Aubrey G. Hicks Armory."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said armory as the "Aubrey G. Hicks Armory."

RESOLVED FURTHER, That Aubrey G. Hicks receive a copy of this resolution as a memento of this honorary designation of the Alabama Legislature.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 84, was adopted.

Also:

By Rep. Cosby:

H. J. R. 85. HONORING SELMA, ALABAMA'S, DIAMOND, THE "GREAT AMERICAN DOG."

WHEREAS, it is with utmost pride and pleasure that our state once again shares the fame of a national championship with the selection of Alabama's Diamond as the winner of the super bowl of canine contests sponsored by the Purina Corporation; and

WHEREAS, Diamond, who is the pet Corgi of seven-year old Jeffrey Jones of Selma, Alabama, was crowned in November, 1985, as the champion of Purina Dog Chow's "Great American Dog" contest; and

WHEREAS, as the national "Great American Dog," a picture of Diamond and Jeffrey will appear on millions of bags of Purina Dog Chow and his young owner receives a large first-prize cash award and other prizes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Diamond of Selma, Alabama, and direct that his owner, Jeffrey Jones, receive a copy of this resolution on behalf of his own "man's best friend" and Alabama's nationally famous canine.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 85, was adopted.

Also:

By Rep. Cosby:

H. J. R. 86. COMMENDING GAIL OGLE OF SELMA, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT.

WHEREAS, the Alabama Legislature notes with highest commendation the outstanding accomplishments of Gail Ogle of Selma, Alabama, one of our state's premier distance runners; and

WHEREAS, an employee of the Department of Agriculture and a homemaker, Mrs. Ogle has achieved phenomenal success during the past several years as a champion runner, either winning or placing high in some 125 races entered during a four-year period; and

WHEREAS, among Mrs. Ogle's first place finishes in the women's division are the Vulcan 10K, Vulcan Marathon, Montgomery Jubilee River Run, Peach Run and Twilite Five Run, among others; and

WHEREAS, Gail Ogle also is the recipient of numerous awards, honors and accolades such as a National Achievement Award, by Runner's World magazine, Most Improved Runner on the South's racing circuit and Outstanding Young Fitness Leader by the Selma Jaycees; and

WHEREAS, now racing some two or three times a month, Mrs. Ogle is sponsored by the Etonic Shoe Company, an advantage earned through minimum racing time achievement, and was ranked fourth among the top 40 females in the Final Grand Prix VIII Standings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment as a distance runner, we hereby most highly commend Gail Ogle of Selma, Alabama, whom we hold in utmost regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 86, was adopted.

Also:

By Reps. Tanner, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

H. J. R. 87. WISHING OUR FRIEND AND COLLEAGUE, REPRESENTATIVE SONNY MOORE, A SPEEDY RECOVERY.

WHEREAS, it is with deep regret and concern that we learn of the hospitalization of our good friend and colleague, Representative Sonny Moore, of Sterrett, Alabama; and

WHEREAS, Representative Moore was taken to Medical Center-East in Birmingham following a sudden illness on January 18th, and currently is being observed for possible further treatment; and

WHEREAS, we anticipate, of course, his complete recovery following a period of recuperation, but will sincerely miss his presence here in Montgomery during his illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all best wishes to Representative Sonny Moore and his family, and wish him the speediest possible recovery.

BE IT FURTHER RESOLVED, That in token of friendship and concern, a copy of this resolution shall be forwarded to Representative Moore.

On motion of Rep. Tanner, the rules were suspended and the resolution, H. J. R. 87, was adopted.

Also:

By Reps. Rice, Drake and Hooper:

H. J. R. 88. STRONGLY URGING THE STATE BOARD OF EDUCATION TO IMPLEMENT A PROGRAM TO TEACH CHARACTER AND CITIZENSHIP IN ALABAMA'S PUBLIC SCHOOLS.

WHEREAS, the American Bar Association in 1984 by resolution called for "the establishment of character and citizenship programs in public schools"; and

WHEREAS, the American Judges Association by resolution in 1982 "endorses the principle of restoring character education in our schools"; and

WHEREAS, Dr. Steven Muller, President of Johns Hopkins University has observed, "Since World War II, we've seen the greatest disintegration of the social consensus and the most accelerated pace and degree of change in human history. As a result, all of our institutions have lost a coherent set of values—including universities"; and

WHEREAS, the Maryland Values Education Commission report and the Hastings Center report agree that the task of passing on the values necessary to strengthen and maintain a society of free people is much too important to be left to a casual, ad hoc approach and specifically recommends a planned program in every grade, kindergarten through twelve, which should be organized, comprehensive, sequential and verified; and

WHEREAS, the strengthening and renewal of character and citizenship education should be one of our State's and our Nation's top priorities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state board of education is hereby strongly urged to develop a program for the various local boards of education which provides for character and citizenship education to be taught in the public schools of this state, and that the program shall include all grades and shall be planned, organized, comprehensive, sequential and verified by the state board of education; and that strong consideration be given to the American Institute for Character Education, of San Antonio, Texas, or their equal.

RESOLVED FURTHER, That the state board of education provide annually a written report on the progress of the development of such a plan to the governor, and to the legislature by the 15th legislative day of each regular session.

RESOLVED FURTHER, The state board seeks to activate these programs in the fall of 1986.

On motion of Rep. Rice, the rules were suspended and the resolution, H. J. R. 88, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Hall and Richardson:

H. R. 89. COMMENDING LILAH BEASON FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Reps. Hall and Richardson:

H. R. 90. COMMENDING LALIA SISK FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Reps. Hall and Richardson:

H. R. 91. COMMENDING JIM FISHER FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Flowers:

H. R. 92. CONGRATULATING MR. AND MRS. J. D. NICHOLS ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Rep. Gaston:

H. J. R. 93. COMMENDING CHARLES G. MUNDEN OF MOBILE, ALABAMA, ENGINEER OF THE YEAR FOR PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE.

WHEREAS, the Legislature of Alabama notes with highest commendation the selection of Charles G. Munden as 1985 Engineer of the Year for Professional Engineers in Private Practice, a distinguished designation of the Alabama Society of Professional Engineers; and

WHEREAS, a graduate of Texas A & M University, Mr. Munden currently is employed by David Volkert and Associates, and is responsible for the firm's operations in Alabama, Mississippi, Louisiana and Texas; and

WHEREAS, Mr. Munden, as a mark of his outstanding professional achievement, also serves as Vice President-South for the American Consulting Engineers Council of Alabama; and

WHEREAS, it is further to be noted that, among numerous past honors and accolades, Mr. Munden is the recipient of the 1983 Engineer of the Year designation by the Inter Engineering Societies Council of Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Charles G. Munden of Mobile, Alabama, for outstanding achievement and direct that he receive a copy of this resolution, executed in highest regard

of his many accomplishments and in recognition of his selection as 1985 Engineer of the Year for Professional Engineers in Private Practice.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 93, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 94. COMMENDING JOSEPH NIGOTA OF MOBILE, ALABAMA, 1985 UNIVERSITY OF SOUTH ALABAMA PROFESSOR OF THE YEAR.

WHEREAS, Joseph Nigota of Mobile, Alabama, has been recognized as the 1985 University of South Alabama Professor of the Year, a distinguished designation of the University's Alumni Association; and

WHEREAS, a member of the faculty of the University of South Alabama since 1966, Dr. Nigota is a graduate of Georgetown University where he was awarded the Bachelor of Science degree in Foreign Service; he further holds the Master of Arts and the Ph.D. degrees in History from Emory University; and

WHEREAS, previous honors bestowed upon Dr. Nigota include designations in 1979, 1980 and 1981 as Phi Alpha Theta Outstanding Professor in the University of South Alabama Department of History; and

WHEREAS, Dr. Nigota, among numerous accomplishments: developed a British studies program which enables USA students to take summer courses in London; directed a course in London, England, on the history of London for University of South Alabama students in the summer of 1983; and developed upper level courses at USA in English history to 1603 A.D. Medieval Europe and Renaissance Europe; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, we hereby most highly commend Dr. Joseph Nigota of the University of South Alabama and direct that he receive a copy of this resolution in small token of our sincere praise and highest personal regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 94, was adopted.

BILLS ON THIRD READING

The House then proceeded with the consideration of the Bills on Third Reading.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Faulk, Budget Isolation Resolution relating to H. B. 27, was adopted.

Yeas 47; Nays 0.

Yeas:

Reps. Beasley, Black, Blake, Brakefield, Brooks, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Gaston, Goodwin,

Grouby, Hammett, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Onderdonk, Poole, Pratt, Rains, Reed, Rice, Richardson, Starkey, Starr, Thomas, Turner, Venable, Warren, White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 27. Relating to Butler County; abolishing the office of constable in such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Bowling, Brakefield, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McKee, McMillan, Melton, Newman, Onderdonk, Poole, Pratt, Rains, Reed, Rice, Richardson, Starkey, Thomas, Turner, Venable, Warren, White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 34, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RW), Junkins, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McMillan, Melton, Mitchell, Newman, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—62

And the bill:

H. 34. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Reps. Beasley, Biddle, Blake, Bowling, Brakefield, Brooks, Browder, Bugg, Butler, Campbell, Carothers, Carter, Clark (D), Coburn, Crow, Dutton, Flowers, Gaston, Goodwin, Grouby, Hammett, Hettinger, Holley, Hooper, Johnson (RW), Junkins, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, Melton, Mitchell, Newman, Onderdonk, Parker, Poole, Pratt, Rains, Rice, Richardson, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Goodwin, Budget Isolation Resolution relating to H. B. 50, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Campbell, Carothers, Carter, Clark (D), Coburn, Crow, Dutton, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (L) and Zoghby.

—58

And the bill:

H. 50. Relating to Lauderdale County; to extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Bachus, Beasley, Bowling, Box, Brakefield, Brooks, Bugg, Butler, Campbell, Carter, Clark (D), Coburn, Dutton, Faulk, Gaston, Goodwin, Gray, Grouby,

Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (L) and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution relating to H. B. 96, was adopted.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Bachus, Beasley, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Nicholson, Onderdonk, Poole, Pratt, Rains, Reed, Rice, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—64

Nay: Rep. Spratt. —1

And the bill:

H. 96. (Constitutional Amendment): Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Blount County and having its city hall or municipal headquarters located outside of the boundaries of Blount County from annexing any future territory in Blount County without prior referendum approval of a majority of the qualified electors living within the area to be annexed; and providing for such referendum elections.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Reps. Bachus, Beasley, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—71

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 109, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (D), Clark (W), Coburn, Crow, Dutton, Faulk, Flowers, Grayson, Grouby, Hammett, Harper, Hettinger, Holmes, Hooper, Johnson (RW), Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McMillan, Melton, Mitchell, Newman, Onderdonk, Parker, Poole, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (L) and Zoghby.

—59

And the bill:

H. 109. To provide for the total county salary supplement for the district judge of the 22nd Judicial Circuit; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RW), Kvalheim, Lauderdale, Marietta, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Parker, Poole, Pratt, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (L) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 110, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JE), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Rains, Reed, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—63

And the bill:

H. 110. (With Amendment): Relating to Covington County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the

office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official and permanent records in Covington County.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 110, page 5, Section 7, line 6, after the word "county" by striking ~~operations~~ and inserting in lieu thereof the following: operations

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Nicholson, Parker, Payne, Poole, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (L) and Zoghby.

—67

And the bill, H. 110 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RW), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McKee, McMillan, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—68

BUDGET ISOLATION RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Onderdonk, consideration of the Budget Isolation Resolution relating to H. B. 158, was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution relating to H. B. 161, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blake, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Fuller, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Melton, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Reed, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable and Zoghby.

—68

And the bill:

H. 161. Proposing an amendment to the Constitution of 1901, creating the Washington County Port Authority; providing for its powers and duties; repealing conflicting provisions of this Constitution, 1901.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McKee, McMillan, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (L) and Zoghby.

—67

Nay: Rep. Holley. —1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution relating to H. B. 201, was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Dutton, Faulk, Flowers, Fuller, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McMillan, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt,

Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (L) and Zoghby.

—72

And the bill:

H. 201. Relating to Limestone County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge of Limestone County, Alabama, to have one general index book relative to transactions in the Probate Office of Limestone County and making the provisions retroactive to January 1, 1974.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McMillan, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, White (G), White (L) and Zoghby.

—71

REPORT FILED

Pursuant to Act 84-775 of the First Special Session of 1984 of the Legislature of Alabama, Senator Bobby E. Denton, Chairman, submitted the report of the Joint Interim Committee on County Government, and the report was ordered filed.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman, Budget Isolation Resolution relating to H. B. 239, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McMillan, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (G) and Zoghby.

—68

And the bill:

H. 239. Relating to Fayette County; providing for an additional expense allowance for the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Coburn, Crow, Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McMillan, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren and Zoghby.

—66

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to H. B. 136, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Junkins, Kennedy, Lindsey, Marietta, McKee, Newman, Onderdonk, Parker, Perdue, Pratt, Preuitt, Rains, Sasser, Smith, Starkey, Tanner, White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 136. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending Section 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition hunting and fishing seasons, bag or creel limits promulgated by the commissioner of the department of conservation and natural resources, any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with

the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of Sections 41-22-12 through 41-22-21, Code of Alabama 1975, certain pardon and parole hearings; by amending Section 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice and to require that adopted rules be filed within 90 days after notice; by amending Section 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending Section 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending Section 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending Section 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending Section 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending Section 41-22-20,Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending Section 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; by amending Section 41-22-23, Code of Alabama 1975, to clarify the time in which the joint committee on administrative regulation review has to approve or disapprove a proposed regulation and to provide further for the number of copies of a proposed rule an agency shall furnish the committee; by amending Section 41-22-24 to provide the procedure for reconsideration of disapproved rules by the legislature; amending Sections 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McMillan, Melton, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Rice, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Venable, Warren, White (G), White (L) and Zoghby.

—73

Nay: Rep. Holley. —1

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Hall, Hettinger, Albright, Butler, Grayson and Brooks:

H. R. 95. REGRETTING THE ILLNESS OF CHARLES STONE AND WISHING HIM A SPEEDY RECOVERY.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:35 A.M. on January 23, 1986.

H. J. R. 16

H. J. R. 17

H. J. R. 25

H. J. R. 28

H. J. R. 37

H. J. R. 38

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Campbell and pursuant to the motion heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, January 28, 1986.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, January 28, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Curtis P. Walker, Old Ship AME Zion Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Reps. Rogers and Moore, due to illness.

H. 322 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 322, from the Standing Committee on Education to the Standing Committee on Local Government.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will meet again at 10:00 o'clock a.m., Thursday, January 30, 1986.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Turnham and Richardson:

H. R. 96. COMMENDING PYRON KEENER ON HIS DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES.

Also:

By Rep. Turnham:

H. R. 97. COMMENDING WILLIAM LARRY JONES FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

By Rep. Turnham:

H. R. 98. COMMENDING SAM L. EVANS FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

Also:

The following resolution was introduced:

By Reps. Hettinger, Coleman, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 99. MOURNING THE DEATHS OF THE AMERICAN ASTRONAUTS ABOARD THE SPACE SHUTTLE CHALLENGER.

WHEREAS, the House of Representatives of the State of Alabama and all citizens thereof join our nation in deep sorrow in the tragic deaths of those brave Americans who perished aboard the space shuttle Challenger; and

WHEREAS, its launching thwarted by inclement weather and/or other difficulties during five previously scheduled attempts, Challenger was at last launched for its six-day mission from Cape Canaveral, Florida, on Tuesday, January 28, 1986, only to explode one minute fifteen seconds after lift-off, with cause yet to be determined; and

WHEREAS, those who gave their lives for our country, in the interest of space exploration and world dominance by the United States in the vital areas of scientific technology and national defense, were Commander Francis Scobee, Pilot Michael Smith, and crew members Christa McAuliffe, Greg Jarvis, Judith Resnik, Ellison Onizuka and Ronald McNair; and

WHEREAS, the names of these great patriots must indeed be placed on the honor roll of America's most courageous and their sacrifices remembered unto future generations of a grateful nation and its people; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we grievously mourn the deaths of Commander Francis Scobee, Pilot Michael Smith, and crew members Christa McAuliffe, Greg Jarvis, Judith Resnik, Ellison Onizuka and Ronald McNair, and extend our very deepest sympathy to all their families.

BE IT FURTHER RESOLVED, That in expression of our grief, the Alabama House of Representatives will adjourn following a period of silent meditation in memory of the seven astronauts.

RESOLVED FURTHER, That copies of this resolution of sincere condolence be forwarded to the bereaved families of our fallen compatriots that they may know we sincerely and deeply share the sorrow of their inconsolable loss.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. R. 99, was adopted.

REPORT FILED

Pursuant to Act 83-339, amended by Act 84-231, Rep. Mary E. Zoghby Chairman, filed the Preliminary Report of the Joint Interim Committee on The Arts and Humanities, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 18. NAMING THE ALABAMA SHAKESPEARE FESTIVAL THEATRE, IN MONTGOMERY, ALABAMA, "THE CAROLYN BLOUNT THEATRE."

Also:

S. J. R. 21. COMMENDING THE EDGEWOOD JUNIOR GARDENERS OF EDGEWOOD ELEMENTARY SCHOOL, SELMA, ALABAMA.

Also:

S. J. R. 22. COMMENDING KATHRYN TUCKER WINDHAM OF SELMA, ALABAMA, RECIPIENT OF THE 1985 "LIVING FOR AMERICA" AWARD.

Also:

S. J. R. 24. RECOGNIZING THE KIMBERLY CLARK CORPORATION AND ITS CHILDERSBURG PLANT FOR SIGNIFICANT CONTRIBUTIONS TO THE COMMUNITY AND THE ENTIRE STATE OF ALABAMA.

Also:

S. J. R. 26. COMMENDING ARTHUR H. BAUGH OF ALBERTVILLE, ALABAMA, ON HIS DISTINGUISHED CAREER IN PUBLIC EDUCATION.

Also:

S. J. R. 37. COMMENDING MISS EMMA MANNING, MONTGOMERY, ALABAMA, ON THE OCCASION OF HER 80TH BIRTHDAY.

Also:

S. J. R. 39. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE BROOKS HINES OF BREWTON, ALABAMA.

Also:

S. J. R. 40. COMMENDING AUBURN UNIVERSITY'S BO JACKSON AS THE RECIPIENT OF THE 1985 HEISMAN TROPHY.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

ADJOURNMENT

On motion of Rep. Hettinger and pursuant to the motion heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, January 30, 1986.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, January 30, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend David Payne, Church of the Nazarene, Cottondale, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant,

Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—101

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Reps. Moore and Rogers, due to illness.

At the request of Rep. Mikell, leave of absence was granted for Rep. Starr.

At the request of Rep. Coleman, leave of absence was granted for Rep. Newman, due to illness.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 271. To grant tax exemptions for the benefit of certain air carriers; to exempt from the tax levied by Article 6 of Chapter 3 of Title 28 of the Code of Alabama 1975 on the sale of spirituous or vinous liquors certain sales of spirituous or vinous liquors to a certificated or licensed air carrier with "a hub operation within this state," as herein defined; to amend Section 40-9-1, Code of Alabama 1975, by adding subdivision (24) to exempt from ad valorem tax all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-12-223, Code of Alabama

1975, by adding subdivision (13) to exempt from rental tax the gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-14-41, Code of Alabama 1975, by adding subdivision (d)(2)(E) to provide for a deduction from the amount of capital employed in the state for purposes of computing the franchise tax applicable to foreign corporations the amount invested by the taxpayer in all real and personal property, equipment, facilities, structures and components thereof including all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-17-31, Code of Alabama 1975, by adding subdivision (d)(4) to exempt from excise tax gasoline or other fuel used to propel aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4, Code of Alabama 1975, by adding subdivision (40) to exempt from sales tax the gross receipts from the sale of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4 by adding subdivision (41) to exempt from sales tax the gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (32) to exempt from use tax the storage, use or other consumption of any aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; and to further amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (33) to exempt from use tax the storage, use or other consumption of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 51. (With Amendment): To amend Section 40-17-220, Code of Alabama, 1975, as amended, relating to the levy of the $.04 per gallon excise tax on gasoline, motor fuel, and lubricating oil to exempt from said excise tax all gasoline, motor fuel, and lubricating oil purchased by schools privately owned and operated located in the State of Alabama for use in school buses owned by them and used exclusively to transport students.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 84. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the said board and to require that each congressional district be represented; to provide for filing vacancies and residential requirements.

H. 114. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and

Industries for the fiscal year ending September 30, 1987, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 95. (With Amendment): To provide that employees of the Alabama Film Commission shall be unclassified employees and to allow such employees to be covered as members of the state employees' retirement system and the state employees' health insurance plan, and to provide certain retroactive effect.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 275. To amend Section 29-1-22, Code of Alabama 1975, which provides for legislative funding, so as to provide further for said funding.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 62. (With Substitute): To provide for criminal penalties and civil liability for the theft of certain cable television services, and to provide for the confiscation of certain equipment used in the theft of any such cable television services.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 76. Relating to all civil actions in tort, contract or otherwise against architects and engineers arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or against builders who construct, or perform or manage construction of, an improvement on or to real property designed by and constructed under the supervision of an architect or engineer, arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this Act does not apply to causes of action which have accrued prior to its effective date; to provide that this Act does not create any cause of action against such architects or engineers or builders or any other persons; to define terms; and to repeal all conflicting laws.

H. 151. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction

of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

H. 30. To regulate certain activities relating to possession of and transactions in drug paraphernalia; to define certain terms relating to such paraphernalia; to make it unlawful to engage in certain activities relating to such paraphernalia; to prescribe criminal penalties for such unlawful acts; to prescribe forfeiture for contraband; and to repeal and supersede those provisions of Chapter 2, Title 20 of the Code of Alabama which heretofore regulated "drug related objects."

H. 4. To amend Sections 15-18-80, 15-18-81, 15-18-82, 15-18-83, and 15-18-84, Code of Alabama 1975, relating to the execution of death sentences by the state penal system; to delete specific references to Holman prison in procedures for the execution of death sentences; and to convey authority to the Commissioner of the Department of Corrections to designate locations for procedures for the execution of death sentences.

H. 36. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

H. 184. The Probate Court shall have authority and the duty to appoint any suitable person or agency, public or private, including a private association or non-profit corporation as a guardian" for a developmentally disabled person.

H. 170. To provide additional remedies to the Interstate Compact on Juveniles by permitting a state in which a juvenile is charged with being delinquent by reason of violating any criminal law to requisition said juvenile from another state.

H. 16. To amend Section 15-10-2, Code of Alabama 1975, which relates to when an officer may execute arrest warrants and his authority to break and enter a dwelling, so as to provide that when an officer executes the warrant, he must make it known under what authority he is doing so.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 87. (With Amendment): To amend Sections 25-8-4, 25-8-8, and 25-8-16, Code of Alabama, 1975, so as to bring Alabama's Child Labor statutes into agreement with existing Federal regulations pertaining to working hours of children under age sixteen and establishes additional specific working hours for certain children enrolled in school and also provides for exemptions to established work hours.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 39. To provide circumstances when a person shall be guilty of committing the crime of submitting a false or fraudulent application for a certificate of qualification or license to practice medicine; to provide that any person guilty of the crime of submitting a false or fraudulent application shall be guilty of a Class C felony; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

H. 156. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

H. 265. To require any person or entity desiring to operate an amusement ride or amusement attraction in the State of Alabama to make application for and obtain a permit to do so; to require the designation of an agent for service of process; to require proof of liability insurance coverage for personal injury, death or property damage as a condition of obtaining such permit; to provide definitions; to provide for an annual permit fee and for the disposition thereof; to provide exemptions; to require inspection of amusement rides and attractions; to authorize the Insurance Commissioner to make rules to implement this act; to provide penalties for violations, and to establish an effective date.

H. 310. To provide for the regulation of consignment transactions between any artist and art dealer; to prescribe strict liability for certain losses and damages.

H. 224. To amend Section 14-3-9, Code of Alabama 1975, relating to the reporting of violations of law and arrest powers by and for Department of Corrections personnel, so as to provide certain specified employees of the Department of Corrections with full and unlimited police powers and jurisdiction as any other state police officer.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 72. (With Amendment): To amend §13A-6-3 of the Code of Alabama, 1975, to provide that manslaughter is a Class B felony.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 73. To allow certified copies of case action summary or docket sheets or other court records to be admitted into evidence for the purpose of proving that a person has been previously convicted of a crime.

H. 135. To amend Section 6-2-38, Code of Alabama 1975, which Section relates to the time for commencement of certain civil actions, so as to provide a two-year statute of limitation on all actions commenced pursuant to 42 U.S.C. §1983 to recover damages for the deprivation under color of any statute, ordinance, regulation, custom or usage of any rights, privileges or immunities secured by the Constitution and laws of the United States.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 227. To name and designate the college resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College as Gadsden Community College.

H. 316. To amend Sections 32-12-22, 32-6-1, 32-6-3, 32-6-4, and 32-6-8 of the Code of Alabama 1975, relating to motorcycles and motor-driven cycles, so as to provide further for the licensing therefor, and relating to motor vehicles and obtaining a driver's license to operate a motor-driven cycle, so as to provide that the director of public safety or an examining officer shall observe the applicant operate a motor-driven cycle in a competent manner prior to the granting of an operator's license and to increase the fees and further provide for the requirements of licensing motor-driven cycles and motorcycles.

H. 317. To amend Section 41-9-708, Code of Alabama 1975, relating to the Alabama Indian Affairs Commission, so as to give the Native Americans of Jackson County representation on said commission.

H. 195. To bring bonding requirements of license commissioners, revenue commissioners, or others who determine or collect taxes or revenues, in line with those of tax collectors as required by Section 40-5-3, Code of Alabama 1975.

H. 336. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

H. 352. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

H. 222. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

H. 129. To amend Sections 33-4-31 and 33-4-32, Code of Alabama 1975, which relate to bar pilots and pilotage and qualifications and selection of apprentices, so as to provide further therefor.

H. 332. To amend Section 34-27-35 of the Code of Alabama 1975, relating to the regulation of real estate companies, brokers, and salesmen, so as to provide further for annual license fees.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 250. To amend Section 16-22-3, Code of Alabama, 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

H. 319. To amend Section 34-23-31, Code of Alabama 1975, which provides for permits for mail-order houses which dispense drugs through the mail, so as to provide further for the fees for said permits.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 251. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

H. 351. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of $500.00.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 260. To amend Section 16-28-3, Code of Alabama, 1975, relating to ages of children required to attend school, so as to require a change in the age levels necessary to attend school from 7-16 to 6-16 years.

H. 272. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education and to repeal Sections 16-10-4 and 16-10-9, Code of Alabama, 1975.

H. 74. To establish certain regulations pertaining to public educational personnel records.

Rep. Smith, Chairman of the Standing Committee on Agriculture & Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 68. To repeal §2-31-2, which exempts persons who buy grain for cash at the time of purchase; and persons licensed as public warehouses; to amend §2-31-4, which provides bonding requirements for grain dealers so as to remove the waiver of bond for those persons licensed under the United

States Department of Agriculture Warehouse Act; and to waive bonding requirements for grain dealers who pay cash for grain at the time of purchase.

H. 112. To amend Section 2-2-15, which provides qualifications for those persons in charge of accounting, plant industry, agricultural chemistry and poultry so as these divisions do not have to be designated as divisions; to allow a qualified veterinarian to be in charge of poultry in lieu of a college graduate in poultry husbandry.

H. 342. Relating to repurchase of inventory from farm equipment retailers so as to provide further for every wholesaler, manufacturer or distributor to provide to its retail dealers, on an annual basis, an opportunity to return a portion of the retailers surplus parts inventory for credit.

Rep. Venable, Vice-Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 94. (With Amendment) To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of county funds held or disbursed by the county governing body shall become effective as to any county of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the county governing body of the county affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective county governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

The above bill was read a second time at length as required by the Constitution.

Rep. Venable, Vice-Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 307. To amend Section 17-4-134, Code of Alabama 1975, relating to voter registration, so as to allow the board of registrars to accept, as an application for absentee registration by members of the armed services or their dependents, Department of Defense Post Card Application for Registration and Absentee Ballot.

H. 337. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities & Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 268. To amend Section 40-12-198 of the Code of Alabama 1975, as amended, relating to the marking of vehicles operated by private and for-hire carriers.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 248. (With Amendment): Relating to selling and redeeming lands for taxes in Jackson County, Alabama.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 89. Relating to Jefferson County; prohibiting private ownership and operation of landfills for garbage dump purposes in the county.

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 212. (With Amendment): Relating to Class 1 municipalities; providing for minimum monthly benefits to certain retired persons or beneficiaries of employees who participate in a retirement system pursuant to Act No. 929, S. 676, 1951 Regular Session (Acts 1951, p. 1579).

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 267. Relating to the City of Mobile; to provide for the disclosure of campaign contributions for candidates of city government.

H. 295. Relating to Mobile County; providing for a singular appropriation, in addition to any and all other appropriations, to the Azaela Trail Festival, Inc., from funds received by the county for the City of Mobile, for the fiscal year ending September 30, 1986, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

H. 296. Relating to Mobile County; providing for an annual appropriation commencing for the fiscal year beginning October 1, 1985, in addition to any and all other appropriations, to the Toy Bowl Association, from funds received by the county for the City of Mobile, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

H. 341. To amend the title and Section 2 of Act No. 85-694, H. 954, Regular Session of 1985, approved May 29, 1985, entitled, "An Act To amend Act No. 81-446, H. 679, 1981 Regular Session, entitled, 'An Act Relating to Mobile County; to provide further for the compensation of election employees and officers,' " so as to provide for retroactive effect.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Black:

H. 356. To provide for the issuance of distinctive motor vehicle license plates or tags to members of the United States Air Force Reserve and the United States Army Reserve upon the payment of an additional sum of $1.00 for use by such persons upon their personally-owned, private, passenger vehicles in lieu of the standard license plate or tag now required.

Committee on Ways and Means.

By Rep. Campbell (With Notice and Proof):

H. 357. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, as amended by Act No. 631, H. 410, of the 1983 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 357, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 358. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marijuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, 20-2-76, 20-2-77, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Rep. Campbell:

H. 359. To amend section 10-2A-111, Code of Alabama 1975, relating to procedures to amend articles of incorporation of Alabama business corporations.

Committee on Judiciary.

By Rep. Campbell:

H. 360. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures;

and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Rep. Campbell:

H. 361. To amend Section 41-9-374 of the Code of Alabama 1975, relating to certain appropriation provisions for the Alabama commissioners on uniform state laws, so as to remove the limitation on funds payable to the national conference of commissioners on uniform state laws.

Committee on Judiciary.

By Rep. Campbell:

H. 362. To amend Section 12-3-27, Code of Alabama 1975, which provides for the appointment of law clerks by judges of the courts of appeals, so as to provide that the judges of the courts of criminal appeals may appoint an additional clerk.

Committee on Ways and Means.

By Rep. Moore:

H. 363. To provide that only a licensed chiropractor, a licensed medical doctor, a licensed osteopath, and within stated limits, a licensed podiatrist, may perform manipulations or adjustments to the joints of the human body, and to prohibit them from delegating this authority to anyone not similarly licensed; providing certain disciplinary action for persons violating this act.

Committee on Health.

By Reps. Coleman and Rains (With Notice and Proof):

H. 364. Relating to Marshall County; requiring all lodging facilities located in Lake Guntersville State Park to collect certain lodgings taxes as provided by law.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 364, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 365. Relating to Mobile County; to amend further Section 5 of Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876 which regulates public schools in the County, as last amended by Act No. 480 S. 485, 1969 Regular Session (Acts 1969, p. 937) which relates to the county board of education.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 365, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby:

H. 366. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

Committee on Ways and Means.

By Rep. Moore:

H. 367. To amend Section 12-15-61 of the Code of Alabama 1975, relating to certain facilities used for detention and shelter care of children so as to provide further for such detention and shelter care and to provide for subsidy by the state of certain costs thereof.

Committee on Ways and Means.

By Rep. Moore (With Notice and Proof):

H. 368. To amend Act No. 39, H. 67, Second Special Session, 1971 (Acts 1971, p. 4173) to permit the application of chemical substances by aircraft in Shelby County under certain conditions.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 368, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mitchell:

H. 369. To amend Section 41-16-20, Section 41-16-21, and Section 41-16-24, Code of Alabama 1975, relating to the expenditure of public funds awarding contracts for labor, work or services and related to the expenditure of public funds awarding contracts for the purchase or lease of materials, equipment, supplies or other personal property; to establish an effective date.

Committee on Ways and Means.

By Reps. Gaston, Turner, Harper, Zoghby, McMillan, Marietta, Kvalheim, Penry, Box, Kennedy, Clark (D), Buskey (James), Britnell, Onderdonk, and Clark (W):

H. 370. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, relating to exemptions from sales and use taxes, so as to provide further for the exemption of the sale of fuel and supplies for certain vessels; the materials, equipment, and machinery which become a component part of vessels; and certain equipment used in offshore federal waters.

Committee on Ways and Means.

By Reps. Coburn, Drake, Holley, Turnham, Clark (J), Campbell, Johnson (RW), Biddle, Fuller, Blake, Mitchell, Carothers, Junkins, Bachus, Nicholson, Box, Coleman, Tanner, Onderdonk, Zoghby, Albright, Hammett, Grouby, Boles, Trammell, Pratt, Reed, Carter, White (F), Smith, Marietta, Martin,

Sasser, Laird, Blakeney, Browder, Black, McNair, Richardson, Davis, Cosby, Hooper, Buskey (John), Dutton, Kvalheim, Mathis, Starkey, Kennedy, Turner, Harper, Gaston, Thomas, Harvey, Warren, Buskey (James), Newton, Goodwin, and Clark (D):

H. 371. To authorize the Governor, the Director of Finance and the Chief Justice of the Supreme Court of the State of Alabama to become a public corporation to be known as Alabama Judicial Building Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the Authority; to provide for meetings of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, installation and equipping of judicial facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed $40,000,000 for such purposes; to specify the application of the proceeds of the bonds of the Authority; to authorize the Authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the Authority; to provide for the lease of said judicial facilities to the Unified Judicial System for occupancy by its components including the Supreme Court, the Court of Civil Appeals, the Court of Criminal Appeals, the State Law Library and the Administrative Office of Courts; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to authorize the issuance by the Authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the Authority may be used as security for State deposits and investment of public funds and fiduciary funds; to provide that no earnings of the Authority shall inure to private entities; and to provide for dissolution of the Authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

Committee on Ways and Means.

By Reps. Marietta, Onderdonk, Kvalheim, Zoghby, Harper, Box, Cosby, Sasser, Carothers, Johnson (RG), Campbell, Boles, Bowling, Gaston, McMillan, Clark (J), Seibels, and Fuller:

H. 372. Relating to civil liability for selling or furnishing alcoholic beverages unlawfully; to provide liability only for selling, giving or otherwise disposing of alcoholic beverages directly to a minor or in an unlawful manner directly to a person causing intoxication; to limit exemplary damages to willful or wanton acts; to define vendor; to provide liability for sales by the vendor itself or by or through its agents, servants and employees; to amend Code of Alabama 1975, §§6-5-70 and 6-5-71; and to repeal all laws or parts of laws in conflict herewith.

Committee on Judiciary.

By Reps. Marietta, Zoghby, Harper, Tanner, Gaston, Fuller, Onderdonk, Box, McMillan, Mitchell, and Penry:

H. 373. To provide for a definition of joint custody; to provide for a presumption of joint custody of children in any proceeding where there is at issue the custody of a minor child; to provide for parents, at the court's discretion to submit a plan for implementation of the custody order; to provide that courts consider which parent is more likely to allow children contact with the non-custodial parent where sole custody is ordered; to provide that the burden of proof that joint custody would not be in the child's best interests rests on the parent requesting sole custody; to provide for modification or termination of joint custody; to provide for the use of a conciliation service by the court or parties; and to provide that the issues of custody and visitation shall be considered separately from the issue of child support; and to repeal Section 30-3-1, Code of Alabama 1975.

Committee on Judiciary.

By Reps. Marietta, Gaston, Zoghby, Box, Harper, Buskey (James), Kvalheim, Kennedy, Clark (W), and Turner (With Notice and Proof):

H. 374. To provide a supplement to the salary of the district attorney in the Thirteenth Judicial Circuit; and further providing that this act shall have retroactive effect.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 374, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Faulk:

H. 375. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of roads, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty shall hunt from any public road; and to provide penalties for violation thereof.

Committee on Natural Resources.

By Rep. Coburn:

H. 376. To amend Sections 36-30-1 thru 36-30-5 and Section 36-30-7, Code of Alabama 1975 which provides for compensation for death of certain law enforcement personnel so as to include state aircraft pilots within these provisions.

Committee on Ways and Means.

By Rep. Coburn:

H. 377. To provide conditional appropriations of $9,267,400 to certain state agencies for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Rep. Clark (J):

H. 378. To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income

exclusions; to conform Alabama income tax exclusions to federal income tax exclusions with respect to cafeteria plans (as defined in 26 USCA 125); to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

Committee on Ways and Means.

By Reps. Biddle and Junkins:

H. 379. To amend Section 34-9-18 Code of Alabama, 1975, to provide that complaints before the Board of Dental Examiners and testimony with respect thereto are absolutely privileged and to grant immunity from suit to the Board of Dental Examiners.

Committee on Judiciary.

By Rep. Biddle (With Notice and Proof):

H. 380. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 380, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cosby:

H. 381. To amend sections 27-40-1, 27-40-8, 27-40-9, 27-40-10, and 27-40-12, Code of Alabama 1975, relating to insurance premium finance companies, so as to provide further for the regulation of such companies; to provide additional rates and charges allowable by such companies; and to provide for disbursement of the amount financed and to prohibit certain activities used to induce the financing of such insurance contracts.

Committee on Insurance.

By Reps. Turner and Buskey (James):

H. 382. To propose a constitutional amendment to repeal Amendment 408 of the Constitution which provides a method of filling certain judicial vacancies in Mobile County.

Committee on Local Legislation No. 3.

The above bill was read a first time at length as required by the Constitution.

By Reps. Turner and Onderdonk:

H. 383. To amend Code of Alabama 1975, Section 40-20-2 so as to add an exemption for natural gas used in operation of natural gas processing plants, gas compressors used at natural gas processing plants and field

compressors used to compress natural gas to meet sales line pressures, from the Privilege Tax.

Committee on Ways and Means.

By Rep. Perdue (With Notice and Proof):

H. 384. TO AMEND SECTION 4.04 OF ACT NO. 452, REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1955, APPROVED SEPTEMBER 9, 1955 (ACTS OF 1955, PAGE 1004), AS AMENDED, PROVIDING A MAYOR-COUNCIL FORM OF GOVERNMENT FOR CITIES HAVING A POPULATION OF 300,000 INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, TO PROVIDE THE METHOD FOR DETERMINING THE ANNUAL SALARY TO BE PAID TO THE MAYOR OF SUCH CITY.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 384, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Perdue (With Notice and Proof):

H. 385. TO PROVIDE AUTHORITY TO THE GOVERNING BODY OF CLASS I MUNICIPALITIES IN ALABAMA AND ALL MUNICIPALITIES IN ALABAMA HAVING A POPULATION OF 250,000 OR MORE ACCORDING TO THE LAST AND ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS TO GRANT AN EXPENSE ALLOWANCE TO ITS MEMBERS FOR ATTENDING BUSINESS OF THE CITY WITHIN THE MUNICIPAL CORPORATE LIMITS; TO PROVIDE THAT THE PROVISIONS HEREOF ARE SEVERABLE; AND TO REPEAL ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 385, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Perdue (With Notice and Proof):

H. 386. To provide for and create a public corporation for the purposes of flood control in circumstances affecting urban areas in Jefferson County, Alabama, to be known as the Jefferson County Flood Control Authority, with its principal office to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment and compensation of directors, their duties, powers, and authority, including the employment of employees, attorneys, architects, engineers, consultants, and agents; to authorize the State of Alabama, and counties and municipalities therein, to contract with and to appropriate funds to such Authority and to issue general obligation or revenue bonds or warrants to finance projects contracted for; to provide that the debts and obligations of the Authority shall not be the debts or obligations of the State of Alabama, or any county or municipality therein; to exempt the Authority and its property from state,

county, and municipal taxation; to make the provisions thereof severable; and, to provide an effective date of the Act.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 386, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton, Perdue, Spratt, Davis, McNair, and Escott:

H. 387. Authorizing the regulation by municipalities or other local governing authorities of private for-hire vehicles, however propelled, providing passenger transportation services and providing that municipalities or other local governing authorities and any officers or members of such shall not be subject to liability under the federal antitrust laws.

Committee on Judiciary.

By Rep. Perdue (With Notice and Proof):

H. 388. To provide for the authorization by the county governing body and the creation in any county or counties in Alabama of a public corporation for the purposes of flood control in circumstances affecting urban areas of any one or more counties in Alabama to be known as the (name of county) Flood Control Authority with its principal office to be located in the county seat of such county; to provide for a board of directors, prescribe the method of their appointment, and the powers and duties of such Authority, including the employment of personnel, attorneys, architects, engineers, consultants and agents; to authorize the State of Alabama, and counties and municipalities therein, to contract with and to appropriate funds to such Authority and to issue general obligation or revenue bonds or warrants to finance projects contracted for; to provide that the debts and obligations of such Authority shall not be debts of the state, county or any municipality therein; to exempt the Authority and its property from state, county, and municipal taxation; to authorize state, county and municipal appropriations to such Authority; to authorize such Authority to receive federal, state, local government and private grants and authorize counties and municipal governments to contract with the Authority for projects and to finance the same with public funds; to make the provisions hereof severable; and, to establish an effective date of the Act.

Committee on Public Utilities and Transportation.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 388, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pratt (With Notice and Proof):

H. 389. Relating to Jefferson County; providing for the reidentification of each qualified elector in the county providing that no re-registration or registration of electors will occur within 21 days prior to an election.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 389, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton, Spratt, Perdue, Davis, McNair, and Escott:

H. 390. To provide to property owners the right to annex property to any contiguous approved municipality.

Committee on Judiciary.

By Rep. Hammett:

H. 391. To further amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within a certain distance of roads, public highways, and railroads and discharging a firearm; and to prescribe misdemeanor penalties therefor, so as to remove certain qualifications of distance and obtaining certain exceptions of adjacent landowners; and to specifically repeal Act No. 82-853, S. 39, 1982 Third Special Session (Acts, First, Second and Third Special Sessions 1982, p. 393), which related to hunting within certain yards of the highway.

Committee on Judiciary.

By Reps. Hammett, Grouby, Starr, Cosby, McMillan, and Penry:

H. 392. To create a separate board of education to manage and control the community, junior and technical colleges to be known as the postsecondary board; to prescribe the powers, duties, authority and compensation of the board; to provide for the appointment and prescribe the term of office of members thereof; to divest the state board of education of all jurisdiction, power and authority with respect to the supervision, management and control of the community, junior and technical colleges; and to provide for the transfer from the state board of education to the postsecondary board all supplies, funds, books, documents, records and other property or effects of the community, junior and technical colleges.

Committee on State Administration.

By Reps. Bachus, Coleman, Preuitt, Flowers, White (G), and Hooper:

H. 393. To provide that the governor of Alabama or his designee shall be empowered to allow the transfer of foreign nationals imprisoned in this state to the country of their citizenship subject to the terms of a valid treaty between the United States and that country.

Committee on Judiciary.

By Reps. Bachus, Coleman, Preuitt, Flowers, Grouby, White (G), Crow, Mitchell, Fuller, Beasley, Mathis, Hooper, and McKee:

H. 394. To provide for a drug indentification program for inmates within the state department of corrections; to mandate that such inmates participate in such program subject to certain disciplinary action for refusal; to prescribe certain screening procedures for such program; to prescribe certain fines and penalties for inmates violating controlled substance and/or alcohol regulations of said department; to establish a community service revolving fund with such fines to be used by said department to implement such program and to authorize the department of corrections to promulgate and implement

such rules and regulations as may be necessary to administer such program in a manner consistent with the provisions of this act.

Committee on Judiciary.

By Reps. Adams, Johnson (RW), and Seibels:

H. 395. To exempt certain income of former Prisoners of War from the imposition of state, county or municipal income taxation and to provide for an effective date.

Committee on Ways and Means.

By Reps. Adams, Johnson (RW), and Seibels:

H. 396. To amend Section 32-6-254, Code of Alabama 1975, which provides for the use and transferability of distinctive license plates for former prisoners of war, so as to allow the widows of such persons to be entitled to retain said plates.

Committee on Ways and Means.

By Reps. Adams, Johnson (RW), and Seibels:

H. 397. To amend Section 40-9-13, Code of Alabama 1975, which provides the exemption of The Prisoners of War Thrift Shops from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Box, Harper, Clark (W), and Kennedy (With Notice and Proof):

H. 398. Relating to Mobile County; to exempt certain property owned by qualified parading Mardi Gras societies from all county, local and municipal ad valorem taxes; and to provide an effective date.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 398, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turnham and Johnson (RW):

H. 399. To amend Section 22-52-1 of the Code of Alabama 1975 relating to petition for commitment of mentally ill persons so as to provide for special petitions to be filed by law enforcement officers.

Committee on Judiciary.

By Rep. Newman (With Notice and Proof):

H. 400. Relating to Fayette County; to regulate further the expense allowance of the members of Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 400, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carter:

H. 401. To exempt the Alabama Wildlife Federation from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. McMillan, Starkey, Clark (D), Clark (J), Harper, Coleman, and Drake:

H. 402. To amend Section 34-27-36 of the Code of Alabama 1975, relating to the regulation of real estate companies, brokers, and salesmen, so as to repeal certain restrictions against using prizes, gifts, etc., to secure customers or clients.

Committee on State Administration.

By Rep. McNair (With Notice and Proof):

H. 403. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof all territory now within such corporate limits thereof and the territory lying within the corporate limits of the City of Roosevelt City including certain territory described by metes and bounds subject to approval of a majority of electors residing in said territory in an election provided for in the act, to provide for the transfer of assets, debts, existing contracts and employees of the City of Roosevelt City to the City of Birmingham as provided in Section 11-42-106, Code of Alabama 1975, should such annexation be approved, to repeal all laws or parts of laws in conflict herewith to the extent of such conflict, to make the provisions of the act severable, and to provide the effective date of the act.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 403, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Albright:

H. 404. To amend Sections 40-12-240 and 40-12-242 of the Code of Alabama 1975, which relate to motor vehicle licenses, so as to define the term "recreational vehicles" and to further provide for the license tax and fees on said recreational vehicles.

Committee on Ways and Means.

By Reps. Albright, Dutton, Lauderdale, Box, Turner, Trammell, Nicholson, McDowell, Bugg, Perdue, Pratt, Crow, Coburn, Clark (W), and Junkins:

H. 405. To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation, so as to increase the individual weekly benefit amount of unemployment compensation.

Committee on Ways and Means.

By Reps. Rains and McKee:

H. 406. To provide for levelized ad valorem taxation on homestead status real property once the homeowner retires from the work force; to

provide for levelized taxation from the widowed spouse of any such retired property owner; and to provide for retroactive effect.

Committee on Ways and Means.

By Reps. Laird, Rice, Parker, Butler, Burke, Smith, Browder, Turner, Clark (D), Fuller, White (F), Mitchell, Rains, Venable, Sasser, Tanner, Beasley, McNair, Penry, Nicholson, Poole, Brakefield, Hammett, Bryant, Blakeney, Hall, Mikell, Hooper, McKee, Starr, Buskey (John), Holmes, Johnson (RG), Carothers, McMillan, Faulk, Escott, Goodwin, Thomas, Melton, Perdue, Spratt, Biddle, Pratt, Drake, Martin, Harper, Clark (W), Kennedy, Davis, Carter, Hettinger, Turnham, Holley, Johnson (RW), Bugg, Lauderdale, Boles, Grayson, Adams, Lindsey, Gray, Kvalheim, Zoghby, Gaston, Box, Coleman, Bachus, Cosby, Beers, Marietta, Newton, Starkey, White (G), Crow, Junkins, Blake, Clark (J), Buskey (James), Flowers, and Warren:

H. 407. To create, within the Alabama Department of Industrial Relations, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; to levy a tax on employers to help fund the office; to create the Small Business Advisory Council, to provide for its composition and duties; and to repeal Sections 41-9-760 through 41-9-767 and 25-10-6 of the Code of Alabama 1975.

Committee on Ways and Means.

By Reps. Payne, Rice, Biddle, Trammell, Boles, Beers, White (G), Bachus, Butler, Johnson (RG), Faulk, Mathis, Hammett, Poole, Sasser, and White (F) (With Notice and Proof):

H. 408. To amend further section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Committee on Local Government.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 408, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Boles:

H. 409. To levy and impose a "windfall" on the winnings on all successful wagers in pari-mutuel pools; and to provide for the collection and distribution of the proceeds from such levy.

Committee on Ways and Means.

By Reps. Boles and Spratt (With Notice and Proof):

H. 410. To amend Sections 11-65-16, 11-65-19 and 11-65-22 of the Code of Alabama 1975, relating to the requirements that must be satisfied by any person or entity applying for a license to own or operate a horse racing facility or for permission to acquire an interest in the holder of such an operator's license, so as to eliminate any requirement that any such person

or entity (or any director or officer thereof) must be or must have been for any specified period of time a resident of the State of Alabama; and to provide that the provisions of this act shall apply both prospectively and retrospectively except in certain specified cases.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 410, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Payne and McDowell (With Notice and Proof):

H. 411. Relating to Jefferson County; to provide that all telephone calls that originate and terminate in Jefferson County, except those to and from telephones served by an exchange in another county, shall be charged as local calls; to provide that all costs of such extended area service be spread over the rate base of all telephone subscribers doing business with South Central Bell Telephone Company and Continental Telephone Company; and Leeds Telephone Company; and to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 411, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gray, Davis, McDowell, Trammell, Beers, Perdue, Spratt, Pratt, Seibels, Biddle, Boles, and Newton:

H. 412. To authorize municipalities having a population of more than 250,000 in said county according to the last federal decennial census, in the discretion of its governing body, upon the purchase of real property situated in Jefferson County by the municipality for park or other public purposes, to indemnify the seller of such property with respect to liability which might thereafter arise on account of underground mining operations conducted on or under said property prior to the sale thereof to such municipality.

Committee on Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Reps. Onderdonk and Blakeney (With Notice and Proof):

H. 413. Proposing an amendment to the Constitution of 1901, authorizing and enabling the governing body of the City of Jackson, Clarke County, Alabama, to declare the need for the formation of a public corporation to carry out the provisions of the act and to function as a port authority, and to cause same to be organized; providing for its powers and duties; repealing conflicting provisions of this Constitution, 1901.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 413, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 414. To create the Dietetic/Nutrition Licensing Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation; exemptions, reciprocity, and penalties.

Committee on Ways and Means.

By Reps. Beasley, Carothers, and Mathis:

H. 415. To exempt the Dothan Rescue Mission, Inc., a nonprofit corporation, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Adams:

H. 416. To propose a law to authorize two or more incorporated municipalities to establish self-funded insurance funds for the purpose of providing liability protection for the member municipalities.

Committee on Local Government.

By Reps. Onderdonk, Turner and Pratt:

H. 417. To amend Section 40-20-2 of the Code of Alabama 1975, so as to provide that the privilege tax on all oil or gas produced by offshore production at depths greater than 6,000 feet below mean sea level, shall be taxed at the rate of six percent of the gross value of said oil or gas production at the point of production.

Committee on Ways and Means.

By Reps. Buskey (John), Albright, Grayson, and Buskey (James):

H. 418. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions so as to specify the date on which the elements of a civil action for injury to the persons or rights of another shall first be deemed to accrue.

Committee on Ways and Means.

By Reps. Buskey (John), Albright, Grayson, and Buskey (James):

H. 419. To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

Committee on Ways and Means.

By Reps. Buskey (John), Albright, Grayson, and Buskey (James):

H. 420. To amend Section 8-8-10, Code of Alabama 1975, which provides for interest and costs on money judgments, so as to provide further for the rate of interest.

Committee on Ways and Means.

By Reps. Buskey (John), Albright, Grayson, and Buskey (James):

H. 421. To provide for the repeal of Section 32-1-2, Code of Alabama, 1975, otherwise known as the "Guest Statute."

Committee on Ways and Means.

By Reps. Buskey (John), Albright, Grayson, and Buskey (James):

H. 422. To amend Section 6-2-38, Code of Alabama, 1975, to delete the applicability of the two year statute of limitations to certain designated actions; to amend Section 6-2-39, Code of Alabama, 1975, to delete the applicability of the one year statute of limitations to certain designated actions; to amend Section 6-2-36, Code of Alabama, 1975, to provide for a four year statute of limitations for certain designated actions; and to amend Section 6-5-410 to delete the two year statutory period for commencement of a wrongful death action.

Committee on Ways and Means.

By Reps. Buskey (John), Albright, Grayson, and Buskey (James):

H. 423. To require insurance companies which write liability insurance for automobiles, products, medical practitioners, and governmental sub-divisions to include in their annual reports to the Commissioner of Insurance a breakdown of policy premiums, claims information, underwriting income and loss, investment income, expenses, and other information which bears upon the profitability of business in this state, and to repeal conflicting laws.

Committee on Ways and Means.

By Reps. Buskey (John), Clark (W), Buskey (James), Bryant, Holley, Grayson, Junkins, Holmes, Melton, Turner, Kennedy, McNair, Flowers, Warren, Newton, and McDowell:

H. 424. To provide that full-time employees and executive officers of the various local education associations in this state may elect to become members of the teachers' retirement system of Alabama and to provide that such associations and their employees shall assume all costs thereof, both contributory and administrative, so that no cost shall devolve upon the state.

Committee on Ways and Means.

By Reps. Zoghby, Starkey, Bugg, Hammett, and Hettinger:

H. 425. To provide for local governments in the State of Alabama to convert untenanted portions of commercial and industrial buildings into joint living and work quarters for artists under a redevelopment plan.

WHEREAS, persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of materials therefor, and of the products thereof, than are regularly found in dwellings; and

WHEREAS, the financial remunerations to be obtained from a career in the arts are generally small; and

WHEREAS, persons regularly engaged in the arts generally find it financially difficult to maintain quarters for their artistic endeavors separate and apart from their places of residence; and

WHEREAS, high property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work; and

WHEREAS, the residential use of such space is accessory to the primary use of such space as a place of work; now therefore,

Committee on Local Government.

By Reps. Onderdonk, Fuller, and Buskey (James):

H. 426. For the purpose of amending Section 6-5-391 of the Code of Alabama 1975 in order to allow both compensatory and punitive damages, including compensation for grief and sorrow to the surviving parents, in civil actions for wrongful death of a minor.

Committee on Judiciary.

By Rep. Harper (With Notice and Proof):

H. 427. To require the Mobile Board of School Commissioners of Mobile County to make available on or before the first day of the school year the full appropriation for instructional supplies as set for in the Education Budget for the fiscal year of the year school begins and to require certain timelines to be followed in securing said instructional supplies for the classroom following orders submitted by the individual teacher.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 427, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Spratt and Davis (With Notice and Proof):

H. 428. TO AMEND ARTICLE VI OF ACT NO. 1272, H. 620, 1973 REGULAR SESSION OF THE LEGISLATURE OF ALABAMA (ACTS 1973, P. 2124), AS AMENDED, SAID ACT BEING AN AMENDMENT OF ACT NO. 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951, (1951 ACTS OF ALABAMA, PAGE 1579, et seq.), TO PROVIDE FOR LUMP-SUM PAYMENT OF CERTAIN SMALL BENEFITS.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 428, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Coleman:

H. 429. To provide that certain public school employees who received less than one year of retirement credit per school year be granted one full year of retirement credit for each nine months of consecutive employment for school years in which they were employed prior to July 1, 1977.

Committee on Ways and Means.

By Reps. Spratt, Perdue, McDowell, Newton, Bachus, and Laird:

H. 430. RELATING TO CLASS I MUNICIPALITIES, TO PROVIDE THAT THE COURTS OF THIS STATE SHALL TAKE JUDICIAL NOTICE OF ALL MUNICIPAL ORDINANCES OF SUCH MUNICIPALITIES.

Committee on Local Legislation No. 2.

By Reps. Spratt, Perdue, McDowell, Newton, Bachus, Laird, and Seibels:

H. 431. To amend Section 12-21-73, Code of Alabama 1975, which provides for judicial notice of certain documents, so as to provide that the circuit court shall take judicial notice of all municipal ordinances in its judicial circuit in certain cities.

Committee on Judiciary.

By Reps. Grouby, Carter, Cosby, Bowling, Turner, McMillan, Harper, Marietta, Penry, Venable, Rains, Laird, Brakefield, Johnson (RW), Holley, Crow, Melton, Burke, Coleman, Smith, Beasley, Mathis, Carothers, Johnson (RG), McKee, Mikell, Hooper, Bryant, Blakeney, Goodwin, Mitchell, Trammell, Dutton, Hall, Lindsey, Junkins, Kvalheim, Box, Butler, and Albright:

H. 432. To require a grand jury investigation of any hunting accident involving a gun or bow and arrow when such accident results in death or injury requiring hospitalization and when such death or injury is caused by one person against another; and to require further that all such accidents be reported to the office of the Director of the Game and Fish Division of the Department of Conservation and Natural Resources.

Committee on Judiciary.

By Reps. Starkey, Zoghby, Bugg, Lauderdale, and Hettinger:

H. 433. To create and establish a state art bank through which the state purchases artworks by the state's artists to rent or loan for public display; to provide for control by the council on the arts and humanities; and to make an appropriation.

Committee on Ways and Means.

By Reps. Blake and Crow:

H. 434. To amend Section 40-18-19, Code of Alabama 1975, to provide for the exemption of retirement pay for firemen from state and local income taxes the same as retirement pay of school teachers, state employees, civil service retirees and peace officers.

Committee on Ways and Means.

By Rep. Coleman:

H. 435. To Amend Section 40-21-58, Code of Alabama 1975, so as to exclude from the application of the license or privilege tax imposed thereunder revenues from long distance resale where the tax will be paid by the providing telephone company.

Committee on Ways and Means.

By Reps. Crow, Turnham, Blake, and Gray:

H. 436. To amend Section 32-6-272, Code of Alabama 1975, so as to permit firemen to receive more than one distinctive license plate and to provide for the fees for said plates and decals.

Committee on State Administration.

By Reps. Kvalheim, Rice, Gaston, Butler, Harper, Laird, Mikell, Hooper, Onderdonk, Box, Crow, Bryant, Mitchell, Beers, White (G), Biddle, Trammell, Zoghby, Warren, Buskey (John), White (F), Buskey (James), Marietta, Poole, McKee, Turnham, Blakeney, McMillan, Cosby, Seibels, Carter, Hall, Grayson, Hettinger, Lauderdale, Martin, Penry, Clark (D), Payne, Richardson, Burke, Brakefield, Junkins, Grouby, Bowling, McNair, McDowell, Davis, Pratt, Bachus, Albright, Kennedy, Rains, Mathis, and White (L):

H. 437. To amend Sections 40-12-240 and 40-12-242 of the Code of Alabama 1975, which relate to motor vehicle licenses, so as to define the term "recreational vehicles" and to further provide for the license tax and fees on said recreational vehicles.

Committee on Ways and Means.

By Reps. Tanner and Box:

H. 438. To amend section 13A-11-6, Code of Alabama 1975, so as to grant authority to business operators to disperse disorderly persons from their parking lots.

Committee on Judiciary.

By Reps. White (L) and Hall:

H. 439. Changing the name of the department of pensions and securities to the "Alabama state department of human resources" and providing for the efficient replacement of certain supplies used by such department.

Committee on State Administration.

By Reps. White (L) and Hall:

H. 440. Providing further for the monthly boarding payment made by the state department of pensions and security for keeping a foster child and to make appropriation from the general fund therefor.

Committee on Ways and Means.

By Reps. White (L) and Hall:

H. 441. To provide that certain foster children in the custody of the state shall receive an annual school clothing and supplies allowance, and to provide for the funding of said allowance.

Committee on Ways and Means.

By Rep. Sasser:

H. 442. To propose a constitutional amendment to the Constitution of Alabama of 1901, relating to the City of Ozark, Dale County, so as to authorize additional ad valorem taxes for educational and school construction purposes; to provide the manner of implementing said tax by the municipal

governing body of Ozark; to provide for issuing bonds and a referendum; and to provide that this amendment shall become effective immediately upon ratification by the people, pursuant to Amendment 425 of the Constitution of Alabama of 1901.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Dutton, Drake, Lindsey, Lauderdale, Hettinger, Brooks, Faulk, Bugg, Martin, Hall, Burke, Butler, Biddle, Payne, Pratt, McNair, Gray, Goodwin, Starkey, White (L), Bowling, Britnell, Johnson (RW), Mitchell, Harvey, Richardson, Coleman, Junkins, Crow, Blake, Venable, Sasser, Rains, Adams, Blakeney, McKee, and McMillan:

H. 443. To amend Section 13A-7-29 of the Code of Alabama 1975 relating to criminal littering, so as to provide further for the penalty for such offense.

Committee on Agriculture and Forestry.

By Reps. Boles and Bryant:

H. 444. To propose an amendment to the Constitution of Alabama of 1901 to establish a State Elected Officials Regulatory Commission which shall be authorized to establish the salaries, expense allowances, retirement plans or other compensation of certain elected officers of the state of Alabama; to establish Ethics Committees in both houses of the legislature which shall hear complaints, recommend censure or removal from office and require disclosure of campaign contributions for legislative candidates; to provide that the legislature may establish retirement plans for other elected officers; to provide for an election thereon and to repeal Section 98 of the Constitution of Alabama of 1901 which prohibits certain retirement.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Escott (With Notice and Proof):

H. 445. To amend Article III, Section 9 of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended by Act No. 791 of the Regular Session of the Legislature of Alabama of 1975, said section relating to investment of the fund established for a retirement and relief system for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census as established originally by Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, as amended, said Article III, Section 9 to be amended in full to provide that the Board of Managers of any such fund shall also have authority to approve investments of the fund after their making by the designee of the Board, to provide that investments of the fund in bonds and stocks of private corporations shall not exceed seventy-five percent of the funds available for investment, and, to provide that investments in stocks of private corporations shall not exceed fifty percent of the funds available for investment.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 445, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott (With Notice and Proof):

H. 446. To amend Article VII of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Board of Managers of the City of Birmingham Retirement and Relief System so as to provide that participant's loans shall be repaid in a period of forty-eight (48) months or less from the date of such loan and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board, but not less than seven (7) percent per annum.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 446, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott (With Notice and Proof):

H. 447. TO AMEND FURTHER ACT NO. 929, S. 676, REGULAR SESSION 1951 (Acts 1951, p. 1579), AS EXTENSIVELY AMENDED BY ACT NO. 1272, S. 620, REGULAR SESSION 1973 (Acts 1973, p. 2124), AND OTHER AMENDATORY ACTS, WHICH RELATE TO THE ESTABLISHMENT OF A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS, EMPLOYEES, OR THEIR DEPENDENTS, OF ANY CITY HAVING A POPULATION OF 250,000 ACCORDING TO THE 1970 OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS, SO AS TO PROVIDE FURTHER FOR NEW PARTICIPANTS' CREDIT FOR CERTAIN PRIOR SERVICE.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 447, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott (With Notice and Proof):

H. 448. TO AMEND ARTICLE VI, SECTION 8 OF ACT NO. 1272, H. 620, 1973 REGULAR SESSION (ACTS 1973, p. 2124), RELATING TO THE EXTRAORDINARY DISABILITY BENEFITS OF THE CITY OF BIRMINGHAM RETIREMENT AND RELIEF SYSTEM, SO AS TO PROVIDE THAT EXTRAORDINARY DISABILITY BENEFITS SHALL NOT BE PAID TO ANY PARTICIPANT DURING ANY PERIOD THAT A DISABLED PARTICIPANT IS ABLE TO PERFORM OTHER DUTIES IN HIS JOB CLASSIFICATION OR THE CUSTOMARY DUTIES OF ANOTHER JOB WITH THAT PARTICIPANT'S EMPLOYER, WHICH DUTIES OR JOB HAS BEEN OFFERED TO PARTICIPANT AND WHICH JOB PAYS A SALARY OR WAGE EQUAL TO OR GREATER THAN THE SALARY OR WAGE SUCH PARTICIPANT WAS EARNING AT THE TIME OF THE INCIDENT CAUSING THE DISABILITY, AND

TO PROVIDE THAT, FOR INJURIES OCCURRING AFTER JANUARY 1, 1986, THE BOARD OF MANAGERS MAY WAIVE THE ONE YEAR LIMITATION AND GRANT AN APPLICATION FOR EXTRAORDINARY DISABILITY ALLOWANCE IF GRANTED WITHIN THIRTY-SIX MONTHS AFTER THE INCIDENT RESULTING IN SUCH DISABILITY.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 448, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott:

H. 449. To amend section 11-81-11, Code of Alabama 1975, so as to authorize county and municipal governments to sell their bonds by negotiated process if the governing body shall find that such process is desirable to gain the lowest net interest cost.

Committee on Local Government.

By Rep. Pratt:

H. 450. To amend Act 85-650 by repealing section 2 thereof as it affects rebuilding of motor vehicles, and to leave the remainder of said sections in full force.

Committee on State Administration.

By Rep. Smith:

H. 451. To amend Section 27-29-3, of the Code of Alabama 1975, which relates to the acquisition of control of, or merger with, domestic insurers, so as to limit acquisition of control of an Alabama domiciled insurer without the Insurance Commissioner's approval by providing that after the acquisition of authorized but unissued voting securities of a domestic insurer, the acquiring person shall not own, control or have the right to acquire 10% or more of the total issued and outstanding voting securities of the domestic insurer however acquired.

Committee on Insurance.

H. 146 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 146, from the Standing Committee on Ways and Means to the Standing Committee on Education.

REPORT FILED

Pursuant to Act 83-72, Senator Hinton Mitchem and Representative Tom Coburn, Co-Chairmen, submitted the final report of the Interim Committee on Finances and Budgets, and the report was ordered filed.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will meet again at 3:00 o'clock p.m., Tuesday, February 4, 1986.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Blake:

H. R. 100. REQUESTING AUBURN UNIVERSITY AND THE UNIVERSITY OF ALABAMA TO CONTINUE PLAYING THEIR ANNUAL IRON BOWL FOOTBALL GAME IN BIRMINGHAM, ALABAMA.

WHEREAS, the gridiron battle between Auburn University and the University of Alabama has become one of the all-time classics in football; and

WHEREAS, the Neilson Ratings for 1985 revealed that the Auburn-Alabama football TV crowd has the third largest crowd of any football game of the year; and

WHEREAS, by tradition, this game has become part of the everyday life of thousands who watch this game every year in Birmingham, Alabama; and

WHEREAS, it has been given to the public news media that the present contract between the two schools require that the game be played in Birmingham, Alabama through 1991; and

WHEREAS, it is to the best interest of both schools and the taxpayers of Alabama who foot the bills for these great universities, that the game be continued to be played in a neutral zone, to wit: Birmingham, Alabama; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That this great gridiron classic be continued to be played in Birmingham, Alabama, not only through 1991, but for the years ad infinitum.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the head coaches and athletic directors of Auburn University and the University of Alabama and to the president and boards of trustees of Auburn University and the University of Alabama.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Blake offered the motion to suspend the rules and adopt the resolution, H. R. 100.

DIVISION OF THE QUESTION

Rep. Carothers called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Blake to suspend the rules in order to take up for immediate consideration the resolution, H. R. 100, and the motion was lost.

Yeas 24; Nays 39.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Boles, Box, Brooks, Bryant, Clark (W), Coburn, Flowers, Gray, Grayson, Hall, Hettinger, Johnson (RW), Junkins, Mitchell, Newton, Onderdonk, Perdue, Pratt, Spratt and Tanner.

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Nays:

Reps. Adams, Bachus, Beasley, Black, Bowling, Britnell, Butler, Carothers, Carter, Clark (J), Crow, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Johnson (RG), Kvalheim, Lindsey, McKee, McMillan, Mikell, Nicholson, Parker, Penry, Preuitt, Rice, Richardson, Sasser, Smith, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G) and White (L).

—39

The resolution, H. R. 100, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Cosby:

H. J. R. 101. COMMENDING SUSAN COURTNEY HEDGEPETH, ALABAMA'S JUNIOR MISS 1986.

WHEREAS, in consensus of highest commendation, the Legislature of Alabama congratulates Susan Courtney Hedgepeth of Selma, Alabama's Junior Miss for 1986; and

WHEREAS, Miss Hedgepeth, the daughter of Mr. and Mrs. E. M. Hedgepeth, Jr., was crowned during the State Pageant Finals in Montgomery, and was chosen from a statewide field of fifty-two contestants; and

WHEREAS, Alabama's new Junior Miss is indeed a beautiful and charming young lady, and is a seventeen-year-old senior and honor student at Morgan Academy where she is involved in numerous academic and extracurricular activities; and

WHEREAS, Miss Hedgepeth is president of Morgan Academy's chapter of the National Honor Society, Most Outstanding Junior Math Student, Senior Class vice president, Student Government Association secretary, secretary of F.C.A., Girl's State delegate, Pioneer Electric Essay Contest winner, Co-Head Cheerleader, APSA All-Star, Senior Class Who's Who "Most Likely to Succeed," Miss Usherette, Pilgrimage Junior Hostess, Enrichment Program Leader and Homecoming Maid; and

WHEREAS, Courtney, who scored in the top 10% of NEDT participants, also is a member of the Math Club, Beta Club, Society of Distinguished American High School Students, French Club, Tennis Team, the U. S. Achievement Academy Mathematics Team, and St. Paul's Episcopal Church where she is involved with the Choir, youth program and many other church activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend, for outstanding accomplishment, Susan Courtney Hedgepeth, Alabama Junior Miss 1986.

BE IT FURTHER RESOLVED, That in token of our sincere regard and warm best wishes for every future success, a copy of this resolution shall be forwarded to Miss Hedgepeth.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 101, was adopted.

Also:

By Reps. Marietta, Gaston, Zoghby, Box, Harper, Kvalheim, Buskey (James), Kennedy, Clark (W) and Turner:

H. J. R. 102. COMMENDING CATHERINE PRUETT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great personal pride and pleasure that the Legislature of Alabama congratulates Catherine Pruett of Mobile, Alabama, the winner of the Fall 1985 Keynote Speech Writing Contest at the American Camping Association Accredited Camp, and a scheduled speaker at the forthcoming 1986 National Convention of A.C.A. in Kansas City; and

WHEREAS, Catherine Pruett, the daughter of Mr. and Mrs. John Pruett, is an 11 year-old, sixth grade student at J. T. Wright School in Mobile where she participates in dance and gymnastics; she also is a Girl Scout and has been active with the program for the past four years; and

WHEREAS, Catherine indeed is an outstanding young achiever whose national prominence is a reflection of great honor on the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Catherine Pruett of Mobile, Alabama, for distinguished achievement and direct that she and her parents receive copies of this resolution, executed in sincere praise and regard and in expression of our very best wishes for every future success in life.

On motion of Rep. Marietta, the rules were suspended and the resolution H. J. R. 102, was adopted.

Also:

By Reps. Marietta, Kvalheim, Zoghby, Harper, Turner, Gaston, Box, Buskey (James), Kennedy and Clark (W):

H. J. R. 103. CONGRATULATING MR. AND MRS. WALTER ALLEN PRINE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, March 14, 1986, of Mr. and Mrs. Walter Allen Prine; and

WHEREAS, in the sight of God, Walter Allen Prine and Audrey Meadows were joined in wedlock on March 14, 1936, in Mobile, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their

wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Prine will be joined by their six children, fourteen grandchildren and 2 great grandchildren, along with other family and friends on the momentous occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. Walter Allen Prine, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Prine that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Marietta, the rules were suspended and the resolution, H. J. R. 103, was adopted.

Also:

By Rep. Richardson:

H. J. R. 104. COMMENDING MRS. SALLIE BROOKS, SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 100th BIRTHDAY.

WHEREAS, on the memorable occasion of the 100th birthday of Mrs. Sallie Brooks, Scottsboro, Alabama, the Alabama Legislature takes great pleasure in expressing sentiments of commendation and congratulations; and

WHEREAS, Mrs. Brooks is a native of the Big Coon Community near Stevenson, Alabama, born January 10, 1886, to John William and Betty Ship Wren; she was married in 1908 at her home in Martintown to Charlie Price Brooks, who died in 1942 and they were the parents of six children, including a set of twins, whom they reared on the family's farm at Bellefonte; and

WHEREAS, though a resident of the Scottsboro Nursing Home since 1976 and no longer able to see, Mrs. Brooks retains an avid interest in life and in her three daughters, Mary Belle Davis, Dora Raper and Charlsie Norris, who reside in the Scottsboro area, and she is a member of Center Point Baptist Church which she joined at the age of 35; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of her 100th birthday, we hereby most highly commend and congratulate Mrs. Sallie Brooks of Scottsboro, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 104, was adopted.

Also:

By Rep. Richardson:

H. J. R. 105. COMMENDING KENNETH TOWNSON FOR OUTSTANDING SERVICE TO THE HIGDON, BRYANT AND FLAT ROCK COMMUNITIES.

WHEREAS, a veteran of the United States Air Force, serving from 1952 to 1963, Kenneth Townson has been a resident of Bryant, Alabama, since his honorable discharge from military service; and

WHEREAS, the owner of Townson Manufacturing Company which he established in 1973, Mr. Townson became a firefighter in July 1980 with the Tri-Community Fire Department, serving the Higdon, Bryant and Flat Rock communities; and

WHEREAS, Mr. Townson, rising rapidly through the ranks of leadership, was elected Engineer of the department in August 1983, and President of the Board of Directors in January 1984; and

WHEREAS, in July 1984 and in further service to his fellow citizens, Mr. Townson generously donated a lot for the Tri-Community Department and was instrumental in obtaining funds to complete the building; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Kenneth Townson of Bryant, Alabama, for outstanding service to the Tri-Community Fire Department, to the communities of Higdon, Bryant and Flat Rock, Alabama, and to all citizens thereof.

BE IT FURTHER RESOLVED, That in recognition of said distinguished service, a copy of this resolution shall be forwarded to Mr. Townson.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 105, was adopted.

Also:

By Rep. Junkins:

H. J. R. 106. COMMENDING 1985 ALL-PRO CHAMPION, STEVE GRISSOM OF GADSDEN, ALABAMA.

WHEREAS, the State of Alabama shares great pride with the City of Gadsden in the outstanding accomplishments of Steve Grissom, 1985 ALL-PRO Champion, with said National Title bestowed January 11, 1986, during the fourth annual ALL-PRO Awards Banquet in Birmingham, Alabama; and

WHEREAS, from a family of avid ALL-PRO Racing fans, Steve Grissom has six years auto racing experience and finished fourth in the 1981 ALL-PRO point standings, right behind his brother Phillip who was third; and

WHEREAS, he is now a full-time participant on the million dollar ALL-PRO circuit which held 26 races in 1985; these events are held primarily at short-track asphalt speedways in the six-state area from Texas to the Carolinas and from Florida to Tennessee; and

WHEREAS, Steve Grissom ran all 26 races this past year, finishing in the top five 6 times and in the top ten 19 times; he also won the pole position twice, won races twice and ranked first, by 89 points, in the final '85 standings; and

WHEREAS, a consistent racer and consistently competitive, Steve Grissom is indeed an outstanding young champion who has brought great fame and honor to his family and hometown and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Steve Grissom of Gadsden, Alabama, for outstanding accomplishment as a competitive auto racer; we further congratulate him as the 1985 ALL-PRO National Champion and direct that both he and his family receive copies of this resolution executed in deep admiration and highest esteem.

On motion of Rep. Junkins, the rules were suspended and the resolution, H. J. R. 106, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 107. MOURNING THE DEATH OF OBIE LOUIS CANTRELL OF CENTRE, ALABAMA.

Also:

By Rep. Junkins:

H. R. 108. MOURNING THE DEATH OF WILLIAM R. INZER OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 109. MOURNING THE DEATH OF HILDA COX DEAN OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 110. MOURNING THE DEATH OF FRANK DRAIN OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 111. MOURNING THE DEATH OF J. H. JENKINS OF HOKES BLUFF, ALABAMA.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Seibels voting to suspend the rules on the resolution, H. R. 100, as his voting machine did not register his vote.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Beasley, Carothers, Mathis, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler,

Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 112. MOURNING THE DEATH OF WILLIAM RALPH CHAMBERS.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of William Ralph Chambers of Haleburg, Alabama, on December 7, 1985, at the age of 83 years; and

WHEREAS, a native and lifelong resident of Henry County, Mr. Chambers attended the Haleburg schools and was a farmer, a former revenue examiner for the State of Alabama, a member of the Alabama Legislature, representing Henry County from 1958-1962, and served on the staffs of Governors Folsom, Patterson and Wallace; and

WHEREAS, he further served one term as mayor of Haleburg and was instrumental in the acquisition of the city's water system and construction of the city hall complex; and

WHEREAS, Mr. Chambers, who was a Democrat, a Mason and member of the Haleburg Baptist Church, was indeed one of Henry County's and Alabama's most prominent citizens who was both benefactor and friend to all those whose lives he touched; and

WHEREAS, he also was a memorable humorist who was widely known for his keen wit and for his extraordinary talent as a public speaker; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Ralph Chambers of Haleburg, Henry County, Alabama, and direct that a copy of this resolution be forwarded to his family that they may know we deeply and sincerely share the sorrow of their great and grievous loss.

On motion of Rep. Beasley, the rules were suspended and the resolution, H. J. R. 112, was adopted.

Also:

By Rep. Pratt:

H. J. R. 113. COMMENDING JACK HALE, PROMINENT BESSEMER EDUCATOR.

WHEREAS, it is with deep regret that the Alabama Legislature notes the announced retirement of Jack Hale as superintendent of the Bessemer City School System; and

WHEREAS, we are grateful, however, for his long and distinguished tenure of nearly 30 years in service to public education in the State of Alabama; and

WHEREAS, Mr. Hale joined the Bessemer school system in 1956, where he served in several teaching and coaching positions, and as principal at Westhills and Vance Primary Schools from 1963 to 1965; and

WHEREAS, in 1965, Mr. Hale received his Ph.D. degree from the University of Alabama and became principal of Bessemer High School; he assumed the position of assistant superintendent of the Bessemer schools in 1966 and on July 1, 1970, became superintendent, his retirement position; and

WHEREAS, Dr. Hale has indeed rendered invaluable service to the Bessemer City schools and his tenure is marked with distinction, both in length of service and accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Jack Hale on his outstanding career in public education, and direct that he receive a copy of this resolution in token of our warmest personal regard, and in expression of our sincere best wishes for his every future happiness and success in life.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 113, was adopted.

Also:

By Rep. Pratt:

H. J. R. 114. CONGRATULATING MR. AND MRS. VIRGIL SADBERRY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, November 2, 1985, of Mr. and Mrs. Virgil Sadberry of Parrish, Alabama, at Cedar Lake; and

WHEREAS, in the sight of God, Virgil and Lillian Sadberry were joined in wedlock by Judge L. C. Garrison on November 2, 1935, at the Walker County Courthouse and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, in celebration of this milestone in their journey through life together, Virgil Sadberry, who is retired from Alabama Power Company, and his wife, Lillian, were honored by their six children, 19 grandchildren and five great grandchildren, along with other family and friends, at a reception on November 3, 1985, at Starview Baptist Church at Cedar Lake; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Parrish, Alabama, Mr. and Mrs. Virgil Sadberry and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Sadberry that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 114, was adopted.

Also:

By Rep. Pratt:

H. J. R. 115. CONGRATULATING MR. AND MRS. LAWRENCE NOLEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, November 9, 1985, of Mr. and Mrs. Lawrence Nolen of Pleasant Grove, Alabama; and

WHEREAS, in the sight of God, Lawrence and Mary Nolen were joined in wedlock by Judge F. B. Thompson on November 9, 1935, at the Clay County Courthouse in Ashland, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Nolen, who are a retired City of Fairfield employee and beauty operator, respectively, were honored by their 2 children and 4 grandchildren, along with other family and friends at a reception on November 10, 1985, at Pleasant Grove United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Pleasant Grove, Alabama, Mr. and Mrs. Lawrence Nolen, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Nolen that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 115, was adopted.

Also:

By Reps. McKee, Hooper, Mikell, Starr, Buskey (John) and Holmes:

H. J. R. 116. RECOGNIZING THE AMERICAN STERILIZER COMPANY (AMSCO) AND AMSCO/MONTGOMERY FOR OUTSTANDING CONTRIBUTIONS TO THE MONTGOMERY COMMUNITY AND THE STATE OF ALABAMA.

WHEREAS, February 10, 1986, is the Tenth Anniversary celebration of the American Sterilizer Company (AMSCO) Montgomery facility and marks a decade of contributions and service to the Montgomery area and the State of Alabama; and

WHEREAS, AMSCO/Montgomery presently employs 385 people with an annual payroll of $8 million, which is anticipated to increase in future

years, and shipments in 1985 exceeded $50 million in sales, up from $6 million in 1976; and

WHEREAS, the phenomenal growth and success of the AMSCO/Montgomery operation is attributed by company officials to the growth and success of the facility's employees, each of whom has learned and shared new skills with their fellow employees; and

WHEREAS, AMSCO/Montgomery is a Pennsylvania-based company, founded in 1894, and is one of the leading manufacturers of hospital equipment in the United States and 60 other countries, and the Montgomery facility has taken its place in history as the manufacturer of such equipment as surgical lights and tables that were utilized during the first artificial heart implants into Barney Clark and William Shroeder; and

WHEREAS, also in Montgomery, AMSCO has an on-going teaching project with technicians from the People's Republic of China and is the sponsor of Project Orbis, a DC-8 converted into a flying Opthamalogical Surgical Center, for both actual eye surgery and for training foreign surgeons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to Montgomery and the State of Alabama and in gratitude for service to and support of the Montgomery and state communities, we hereby most highly commend AMSCO and its Montgomery facility and direct that copies of this resolution be forwarded to the appropriate company officials.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 116, was adopted.

Also:

By Rep. Black:

H. J. R. 117. COMMENDING MRS. ANNA I. JOHNSON OF SUMTER COUNTY, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous achievements of Mrs. Anna I. Johnson of Sumter County; and

WHEREAS, Mrs. Johnson, a member in good standing of Jones Creek Baptist Church for 73 years, and has served as chairperson of many of the boards and committees; and

WHEREAS, Mrs. Johnson has served as matron of Johnson Delight Court, Heroines of Jerico, and District Deputy of Johnson and Weatherly, and organized the following courts: Johnson's Delight, Royal Queen, Mt. Tabor Delight, Cross Starlight, Taylor and Jemison, Roger and Stephen, Tishabee Choice, Bell's Choice, Moses' Delight, Towner and Dixon, Ezell and Dothard, Russell and Zander, Cherry's Delight, Williams and Evans, Electa and Mitchell and McGrew Court; and

WHEREAS, she has served as president of the Parent Teachers' Association (PTA) for several years; and

WHEREAS, while Mrs. Johnson served as midwife, she delivered 702 babies; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Mrs.

Anna I. Johnson for her long outstanding service to the many communities and citizens of Sumter and surrounding counties.

BE IT FURTHER RESOLVED, That Mrs. Anna I. Johnson receive a copy of this resolution that she may know of our sincere warm praise and highest regard.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 117, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Albright and Hall:

H. R. 118. COMMENDING TOMMY A. LEMLEY ON HIS DISTINGUISHED CAREER WITH THE ALABAMA FORESTRY COMMISSION.

Also:

By Rep. Hall:

H. R. 119. COMMENDING AUDREY GOSSET FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 120. COMMENDING H. N. MULLINS OF SCOTTSBORO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 121. COMMENDING JAMES STARNES FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Hall:

H. R. 122. COMMENDING BRYAN OWENS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolutions were introduced:

By Reps. Brakefield and Nicholson:

H. J. R. 123. NAMING A PORTION OF U.S. HIGHWAY 78, LYING WITHIN THE CORPORATE LIMITS OF CARBON HILL, ALABAMA, THE "CLIFF GUTHRIE HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby designate that certain portion of U.S. Highway 78, lying within the corporate limits of Carbon Hill, Alabama, the "Cliff Guthrie Highway."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain signs and markers designating said portion of U.S. Highway 78 as the "Cliff Guthrie Highway."

RESOLVED FURTHER, That a copy of this resolution shall be forwarded to the State Highway Director and the family of Cliff Guthrie.

On motion of Rep. Brakefield, the rules were suspended and the resolution, H. J. R. 123, was adopted.

Also:

By Rep. Turner:

H. J. R. 124. COMMENDING JAMES F. CALDWELL FOR DISTINGUISHED VOLUNTEER SERVICE.

WHEREAS, the Legislature of Alabama notes with highest commendation the distinguished volunteer service rendered by James F. Caldwell, former vice-president of Mobile's University of South Alabama; and

WHEREAS, following his retirement from USA in 1973, Dr. Caldwell, now a resident of Bon Secour, began full-time voluntary work with the American Association of Retired Persons (AARP) and, for the past eleven years, has been instrumental in significant gains on behalf of "senior" citizens; and

WHEREAS, in recognition of said dedicated service and for his many outstanding contributions to the elderly citizens of Alabama, Dr. Caldwell was honored with the prestigious Golden Eagle Award, one of only two persons selected for this honor from the South Alabama Region; and

WHEREAS, Dr. Caldwell, in his work with AARP, has served as state director and assistant state director, and also has served as state coordinator for the Alabama Retired Teachers Association and on the State Legislative Committee for four years, working with local chapters in the legislative concerns dealing with laws affecting the elderly on the national level such as Social Security and Medicaid, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend James F. Caldwell of Bon Secour, Alabama, for outstanding service to the "senior" citizens of our state and nation; we further congratulate him as a Golden Eagle Award recipient and direct that he receive a copy of this resolution in small token of our sincere warm praise and regard.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 124, was adopted.

Also:

By Reps. Hettinger, Butler, Grayson, Hall, Albright, Drake, Cosby, Blake, Adams, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell,

Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 125. HONORING THE LATE JOHN JACKSON SPARKMAN OF HUNTSVILLE, ALABAMA.

WHEREAS, the late John Jackson Sparkman, one of our state's most distinguished citizens, served 42 years in the United States Congress to achieve the longest record of service for an Alabamian in the national legislature; and

WHEREAS, Senator Sparkman, who also was the 1952 Democratic vice-presidential candidate, was further distinguished as the only person in our nation's history to be elected, simultaneously, to seats in both the U. S. House and Senate, an event which occurred in 1946 when he ran for reelection to the House and for the unexpired portion of the late Senator Bankhead's term; and

WHEREAS, during Senator Sparkman's many years in Washington, including his ten years as a U. S. Representative and as Senator, from 1946 until his 1979 retirement, he was remarkably effective in both domestic and foreign affairs, but is perhaps primarily known as the architect of the Federal Home Administration's system of financing of private homes, which has enabled multiple thousands of Americans to become homeowners; and

WHEREAS, he also was instrumental in the introduction and/or support of legislation on behalf of small businesses, as well as legislation to provide funding for rural electrification projects and that related to banking regulation, among others; and

WHEREAS, to even further enumerate his effective involvement on behalf of our state, John Sparkman was an early proponent in such areas as the development of Alabama's basic natural resources, modern highways and farm-to-market roads, the Tennessee-Tombigbee Waterway, diversified agriculture, the Commodity Credit Corporation and Federal Crop Insurance; and

WHEREAS, Senator John J. Sparkman was indeed a distinguished Alabamian, brilliant statesman and an outstanding American patriot, and his service to our state and nation will live in perpetuity as a monument to his accomplishments on behalf of us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude for his lifetime of sacrificial service to his beloved home state, to his nation, and to all citizens thereof, we hereby stand in honor and tribute to the late John J. Sparkman of Alabama.

BE IT FURTHER RESOLVED, That a copy of this legislative recognition and expressed esteem be forwarded to the family of Senator Sparkman.

The resolution, H. J. R. 125, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Harper and Gaston:

H. R. 126. COMMENDING JANICE FREELAND LINDEN ON HER DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY.

Also:

The following resolutions were introduced:

By Reps. Harper and Gaston:

H. J. R. 127. COMMENDING JANICE FREELAND LINDEN ON HER DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY.

WHEREAS, January 31, 1986, marks the close of the distinguished career of Janice Freeland Linden who has served with the Alabama Department of Pensions and Security for 32 years; and

WHEREAS, Ms. Linden is a graduate of Alabama College for Women, now the University of Montevallo, and has completed additional studies toward a graduate degree at the University of Tennessee; and

WHEREAS, Ms. Linden, who has served as a case worker for the elderly with the Mobile County Department of Pensions and Security and as a child welfare worker in adoptions, also served as Co-Director in Chilton County from 1953-1955, and in child adoption services at the State Department in Montgomery; and

WHEREAS, she has continued in child adoption work and foster home supervision in Baldwin County and, for the past five years, has worked in adoption services in Mobile County; and

WHEREAS, Ms. Linden has extended her career activities to include collaboration with WALA-TV and Glen Robinson in the "Wednesday's Child" series, selecting children for the program who have special needs and are waiting for adoption; and

WHEREAS, Janice Freeland Linden indeed has rendered invaluable service to the State of Alabama and its Department of Pensions and Security; her tenure has been one of sincere dedication and compassionate concern for those in our State in need of special care and services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Janice Freeland Linden for outstanding service to the State Department of Pensions and Security and to the State of Alabama and citizens thereof.

BE IT FURTHER RESOLVED, That in small token of our deep appreciation and regard, a copy of this resolution shall be provided for Ms. Linden.

The resolution, H. J. R. 127, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Harper:

H. J. R. 128. COMMENDING THE GRAND BAY ALL STARS FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, it is with deep personal pride that the Alabama Legislature congratulates the Grand Bay, Alabama, All Stars as runners-up in the 13-15 year-old Babe Ruth World Series in Jamestown, New York; and

WHEREAS, under the talented leadership and direction of Coach Larry Moss, the Grand Bay All Stars traveled to Jamestown as Southeastern Regional Champions and, among other formidable opponents, defeated five-time Series Champion New Orleans, 10-5, to reach the finals against Alameda, California; and

WHEREAS, Grand Bay, though beating Alameda in an earlier game 7-3, to force a deciding game, lost to the West Coast champs to rank second in the national series; and

WHEREAS, it is further to be noted that Grand Bay All Star Harold Dueitt was named Babe Ruth World Series MVP and players Mike Felps, Harold Dueitt, Anthony Pritchett and Court Farni were selected to the Series all-tournament team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest regard of outstanding accomplishment, we hereby commend and congratulate Coach Larry Moss and the nationally ranked Grand Bay All Stars, runners-up in the Babe Ruth World Series, and direct that they receive copies of this resolution in small token of our esteem.

The resolution, H. J. R. 128, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Bugg and Junkins:

H. J. R. 129. COMMENDING DANNY KENNETH CROWNOVER FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Danny Kenneth Crownover of Gadsden, Alabama, a Housing Rehabilitation Specialist with the City of Gadsden since 1980, is a multi-talented young man who has contributed greatly to the community in numerous areas of civic, charitable and cultural concern; and

WHEREAS, a graduate of Gadsden High School, Mr. Crownover attended Gadsden State Junior College, receiving the B.A. degree from the University of Alabama and has studied additionally toward the Master's degree at Jacksonville State University; and

WHEREAS, Danny Crownover, in addition to possessing extraordinary talent in all forms of art, also is a free-lance writer and photographer and has special knowledge and expertise in such areas as solar energy, drafting, restoration, computer science, research and engineering; and

WHEREAS, his professional contributions are numerous and so notable as to have attracted a number of honors and awards including selection to

Personalities of America (1985) for "Outstanding Service to Housing Rehabilitation"; and

WHEREAS, he also has been recognized with the Presidential Award of Honor, Outstanding Young Person and the Distinguished Service Award, all by the Jaycees in 1985; Personalities of the South (1984) for Outstanding Young Leadership; an award of the University of Alabama alumni in 1983 for Outstanding Service and Support, among others; and

WHEREAS, Mr. Crownover further is president of the Alabama Appalachian Association and has held a leadership role in the group's efforts to extend the Lookout Mountain J.F.K. Trail from Gadsden, Alabama, to Chattanooga, Tennessee, and is a director, coordinator and a member of numerous service and professional boards, associations and committees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Danny Kenneth Crownover for outstanding achievement, leadership and service to the Gadsden area and, indeed, to the entire State of Alabama.

BE IT FURTHER RESOLVED, That in token of our gratitude and esteem, a copy of this resolution shall be forwarded to Mr. Crownover.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 129, was adopted.

Also:

By Reps. Bachus and White (G):

H. J. R. 130. MEMORIALIZING THE CONGRESS TO ESTABLISH THE ENGLISH LANGUAGE AS THE OFFICIAL LANGUAGE OF THESE UNITED STATES.

WHEREAS, this nation, though recognizing and welcoming the uniqueness of the individual, adheres to those certain principles which unite all our citizens; and

WHEREAS, among primary characteristics of the vast majority of our citizens is the use of a common language, English; and

WHEREAS, there has evolved, however, mandatory promotion of bilingualism through various federal laws, regulations and funding programs, such as requiring publication of ballots and other documents, and instruction in the classroom, in languages other than English; and

WHEREAS, a continuation of these and other emphases on bilingualism can only delay assimilation of non-English speaking individuals into this culture, dilute the American standard, and impose additional unnecessary burdens upon state and local governments, among other undesired effects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to the end that English forever remain this nation's primary language, we hereby most strongly urge the United States Congress to declare and establish English as the official language of the United States, and we further urge that all laws, regulations and programs which impede the use of English or impose requirements for the use of any language other than English be eliminated.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the presiding officers of the U. S. Senate and House of Representatives and that copies also be distributed to all members of the Alabama Congressional Delegation.

The resolution, H. J. R. 130, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Gaston, Kvalheim, Marietta and Kennedy:

H. J. R. 131. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation the numerous and outstanding professional accomplishments of T. Keith King of Mobile, Alabama; and

WHEREAS, Mr. King, who is president and chief executive officer of David Volkert and Associates, Inc., was named the 1983 Alabama Professional Engineer of the Year in Private Practice by the Alabama Society of Professional Engineers, and was again recognized by the Society as the Alabama Engineer of the Year for 1984; and

WHEREAS, a graduate of Auburn University, Mr. King is a former president of ASPE and is a member of the Engineering Education Committee with the Alabama Commission on Higher Education, University of South Alabama and Alabama Research Institute; and

WHEREAS, Mr. King, further, among numerous other accomplishments, has held key responsibility for such award-winning projects as the I-10 twin bridges over Mobile Bay and the McDuffie Terminal's coal export facility; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, we hereby most highly commend T. Keith King of Mobile, Alabama, whom we hold in highest regard, and for whom a copy of this resolution shall be provided.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 131, was adopted.

Also:

By Rep. Sasser:

H. J. R. 132. COMMENDING LEWIS W. FLOWERS ON HIS DISTINGUISHED CAREER AT ALABAMA AVIATION AND TECHNICAL COLLEGE.

WHEREAS, a native of Wills Point, Texas, Lewis W. Flowers served 26 years in the United States Air Force as an airframe and powerplant mechanic and, for the last six years of his meritorious military career, as a missiles officer, retiring with the rank of Chief Warrant Officer, W4; and

WHEREAS, Mr. Flowers joined the staff of Alabama Institute of Aviation Technology (now Alabama Aviation and Technical College) in 1967 as an airframe and powerplant instructor, and has since served as Coordinator of

Evening Classes, Aviation Maintenance Department Chairman, Chief Flight Instructor, and as a designated Airframe and Powerplant Examiner; and

WHEREAS, an extraordinarily versatile person, Mr. Flowers has always been willing to serve in any capacity with AATC, and has been most particularly helpful to the students; and

WHEREAS, through genuine concern for their needs, Mr. Flowers has supported students both financially and morally, and has devoted untold hours, above and beyond the call of duty, to help them in every possible way; and

WHEREAS, Mr. Flowers' tenure with AATC has indeed been one of highest distinction, both in length of service and in dedication and loyalty to the college, students and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Alabama Aviation and Technical College, we hereby most highly commend Lewis W. Flowers, whom we hold in highest regard and to whom a copy of this resolution shall be presented on the occasion of his retirement, January 31, 1986.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 132, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 133. COMMENDING WENDELL PAGE FOR OUTSTANDING COMMUNITY SERVICE.

NOTICE IN WRITING FILED

Rep. Turner filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the House Rules to add a new rule to read as follows: Rule _____ . There shall be no eating of food or drinking of beverages in the House Chamber.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Moore:

H. J. R. 134. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM.

WHEREAS, in consensus of highest commendation, the Alabama Legislature extends heartiest congratulations to the University of Montevallo Lady Falcons Volleyball Team on their outstanding 1985 season; and

WHEREAS, breaking ten UM volleyball records, the Lady Falcons roared to a 49-13 season to tie the University's record for wins in a season; they also posted a 14-match winning streak early in the season and a 21-3 record against NAIA competition; and

WHEREAS, the Lady Falcons further captured the NAIA District 27 Championship for the fourth straight time; claimed the NAIA Bi-District 9 title for the fourth consecutive year; and won the College of Charleston Invitational Tournament while finishing second in numerous other competitions; and

WHEREAS, in their fourth straight trip to the NAIA National Tournament, held in Milwaukee, Wisconsin, the Montevallo team won the NAIA Sportsmanship Award and finished seventh in the nation to tie the highest ever finish for a UM volleyball team; and

WHEREAS, individual honors during 1985 went to team Captain Candi Nicholas who was named as UM's first volleyball first-team NAIA All-American and also was NAIA District 27 "Player of the Year" and was named to the NAIA All-National Tour first team; Coach Bev Warren was named NAIA District 27 "Coach of the Year" for the fourth consecutive time; Janet Sporleder was NAIA District 27 "Freshman of the Year"; and Candi Nicholas, Donna Jenkins and Laurie Washburn were named to the All-NAIA District 27 Team; and

WHEREAS, also sharing the credit and glory for the season were other staff and team members: Coaches Theresa Straughn and Karen Kreger; Trainer Jodie Capell, Student Trainer Lee Curd, Manager Leighsa Robinson and Statistician Becky King; and Lady Falcons Latanja Thomas, Cindy Walchli, Rhonda Speas, Missy Youngblood, Fatima Lika, Tina Laird, Denise Heisler, Janeice Scoggins and Kristy Golden; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the University of Montevallo Lady Falcons on their spectacular 1985 Volleyball season and direct that copies of this resolution be forwarded to the University for appropriate presentation and display.

On motion of Rep. Tanner, the rules were suspended and the resolution, H. J. R. 134, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 135. DESIGNATING THE NATIONAL HISTORIC FORT MORGAN OUTDOOR DRAMA AS THE OFFICIAL STATE OUTDOOR DRAMA.

WHEREAS, the Alabama Gulf Coast Area Chamber of Commerce has organized the Historic Fort Morgan Outdoor Drama Task Force; and

WHEREAS, Fort Morgan is a National Historic Site; and

WHEREAS, the Fort Morgan Outdoor Drama Task Force has done an extensive study and consultation with the Alabama Theatre League and the Alabama Historical Commission; and

WHEREAS, the Fort Morgan Outdoor Drama will be held annually for three months at the National Historic Fort Morgan Site and will revolve around the theme of the Battle of the Mobile Bay; and

WHEREAS, it will involve students from theatre departments at Alabama colleges and universities as well as generate jobs for many area youth; and

WHEREAS, through the promotion of the Fort Morgan Outdoor Drama, nationwide publicity will be given to Alabama and the Gulf Coast; and

WHEREAS, it will promote tourism dollars to the state, serve as one of the state's attractions and create cultural growth and historical awareness for students and tourists, as well as for the people of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Historic Fort Morgan Outdoor Drama is designated as the official Outdoor Drama for the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for the Alabama Gulf Coast Area Chamber of Commerce, the Alabama Historical Commission, the Alabama Theatre League and the Fort Morgan Outdoor Drama Task Force.

The resolution, H. J. R. 135, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Holley:

H. R. 136. AMENDING THE HOUSE RULES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Rule 50 is hereby amended to read as follows:

"Rule 50. When the chairman of a committee is absent, the vice-chairman, if any, if not the member whose name appears next on the committee, shall, during the absence of the chairman, become chairman, and have power to call together the committee for the consideration of bills. A majority of the committee shall constitute a quorum for the transaction of business provided, however, that this limitation shall not apply to uncontested local bills being considered by one of the local legislative committees.

"A majority of the members of a committee may call a meeting of the committee at any time by giving each member a minimum of two (2) legislative days' notice and by posting on the Committee Announcement Board in the House Chamber a notice of such meeting. Such notice shall give the date, place and time of the meeting, shall be signed by each of the members so calling the meeting and the total number so signing shall be at least a majority of the whole membership of the committee. Such notice shall be posted at least two (2) legislative days in advance of the time set for the meeting.

"Further, a committee may not take action on a bill except when said committee is in session, and this provision may not be waived by a majority signing petitions or other procedural documents.

"Provided further that, as to bills relating only to Madison or Montgomery County, a majority of the members of the House representing portions of the respective county to which a particular bill relates shall constitute a quorum of the Legislation No. 4 Committee.

"Provided further, that the chairperson of any committee other than the Rules Committee shall give at least one calendar day's written notice of any bill to be considered by his or her committee at its next meeting and such notice shall be in the form of an agenda for such meeting."

RESOLUTION POSTPONED

On motion of Rep. Holley, consideration of the resolution, H. R. 136, was postponed to the thirtieth legislative day.

BILLS ON THIRD READING

The House then proceeded with the consideration of Bills on Third Reading.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to H. B. 315, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Bowling, Box, Brakefield, Brooks, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Mikell, Parker, Penry, Poole, Pratt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Trammell, Turner, Venable, Warren and Zoghby.

—57

And the bill:

H. 315. Relating to Clay County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Black, Blake, Bowling, Box, Brakefield, Brooks, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Tanner, Thomas, Trammell, Turner, Venable, Warren and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution relating to H. B. 126, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Box, Brakefield, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Faulk,

Fuller, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kvalheim, Lauderdale, Marietta, Martin, Mathis, Mikell, Parker, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 126. Relating to further duties of the Mobile County Commission and providing financial reports for publication; providing that the provisions of the act shall be cumulative to any and all other laws relating to the duties of the chairman and members of the county commission.

Was taken up.

SUBSTITUTE OFFERED

Rep. Zoghby offered the following substitute to the bill, H. 126:

A BILL
TO BE ENTITLED
AN ACT

Relating to further duties of the Mobile County Commission and providing financial reports for distribution; providing that the provisions of the act shall be cumulative to any and all other laws relating to the duties of the chairman and members of the county commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Mobile County Commission shall cause to be printed and distributed to all newspapers within the county, and to any members of the electronic media or others upon request, a monthly report of receipts and expenses of the county, detailing for each fund of the county treasury receipts and expenditures and the nature thereof, not less than seven days after the close of the books for the month. Such report shall be included on the agenda of the next meeting at which time any citizen of the county shall be given an opportunity to be heard, for or against the estimates of any item relating to said report. At the end of each fiscal year, the commission shall cause a full and complete examination of all the books and accounts of the county to be made by the state examiners, and shall cause the results thereof to be distributed in the same manner as the monthly report.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this act relating to the duties of the members of the county commission are cumulative to any laws or parts of laws heretofore or hereafter enacted except to the extent there is a direct conflict herewith.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Bowling, Box, Brakefield, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Crow, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kvalheim, Lauderdale, Martin, Mathis, McMillan, Mikell, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Seibels, Tanner, Thomas, Turner, White (G), White (L) and Zoghby.

And the bill:

H. 126. Relating to further duties of the Mobile County Commission and providing financial reports for distribution; providing that the provisions of the act shall be cumulative to any and all other laws relating to the duties of the chairman and members of the county commission.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Bowling, Box, Brakefield, Brooks, Bugg, Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kvalheim, Lauderdale, Marietta, Martin, Mathis, McMillan, Mikell, Onderdonk, Parker, Penry, Poole, Preuitt, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, White (G) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 231, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Black, Blake, Bowling, Box, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carter, Clark (D),

Clark (J), Clark (W), Coburn, Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, Mikell, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—57

And the bill:

H. 231. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner and other elected officials in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Bowling, Box, Brakefield, Brooks, Burke, Buskey (JE), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McMillan, Mikell, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—57

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 232, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Blake, Bowling, Brakefield, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Escott, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McMillan, Mikell, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G) and Zoghby.

—60

And the bill:

H. 232. Relating to Mobile County, amending Section 1 of Act No. 478, H. 635 of the 1983 Regular Session of the Legislature (Acts 1983, p. 670), authorizing and empowering the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carriers for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Black, Bowling, Box, Brakefield, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McDowell, McKee, Mikell, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (L) and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 258, was adopted.

Yeas 60; Nays 2.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Bowling, Box, Brakefield, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (RG), Junkins, Kennedy, Lauderdale, Marietta, Martin, Mathis, McMillan, Mikell, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—60

Nays: Reps. Gaston and Kvalheim. —2

And the bill:

H. 258. Relating to Mobile County, requiring the county governing body to pay from the county general fund, or from any county fund designated for roads and bridges, a portion of the expense, or the entire expense, of relocating, removing, or replacing certain water or gas pipes and lines owned by rural or municipal water or gas authorities or systems when such relocation, removal or replacement is required or made necessary by public road maintenance, construction, bridge repair or replacement undertaken by the County of Mobile; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 2.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Black, Blake, Bowling, Box, Brakefield, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Faulk, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Holley, Hooper, Johnson (RG),

Junkins, Kennedy, Laird, Lauderdale, Marietta, Martin, Mathis, McMillan, Mikell, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—61

Nays: Reps. Gaston and Kvalheim. —2

RESOLUTION

The following resolution was introduced:

By Rep. Gray:

H. J. R. 137. REAFFIRMING OF AGREEMENTS SET FORTH IN H. J. R. 325 - RELATING TO FULL ATHLETIC PROGRAM.

WHEREAS, the gridiron battle between Auburn University and the University of Alabama has become one of the all-time classics in football; and

WHEREAS, the Neilson Ratings for 1985 revealed that the Auburn-Alabama football TV crowd has the third largest crowd of any football game of the year; and

WHEREAS, by tradition, this game has become part of the everyday life of thousands who watch this game every year in Birmingham, Alabama; and

WHEREAS, the City of Birmingham has in previous years made great financial sacrifice to improve their stadium to accommodate this game; and

WHEREAS, it has been given to the public news media that the present contract, between the two schools require that the game be played in Birmingham, Alabama through 1991; and

WHEREAS, the Alabama Legislature approved H. J. R. 325 on August 15, 1947 that these schools enter into an agreement to play football; and

WHEREAS, it is to the best interest of both schools and the taxpayers of Alabama who foot the bills for these universities, that the game be continued to be played in a neutral zone, to wit: Birmingham, Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that this great gridiron classic created by H. J. R. 325 be continued to be played in Birmingham, Alabama, not only through 1991, but for the years ad infinitum.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the head coaches and athletic directors of Auburn University and the University of Alabama; to the president and boards of trustees of Auburn University and the University of Alabama.

The resolution, H. J. R. 137, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to H. B. 29, was adopted.

Yeas 48; Nays 24.

Yeas:

Mr. Speaker, Adams, Albright, Black, Boles, Box, Brooks, Bugg, Buskey (JL), Campbell, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Fuller, Gaston, Goodwin, Harper, Hooper, Johnson (RW), Kennedy, Kvalheim, Lauderdale, Marietta, Martin, McDowell, McMillan, McNair, Mikell, Mitchell, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Rice, Spratt, Starkey, Tanner, Turner, Warren, White (G) and Zoghby.

—48

Nays:

Reps. Beers, Blake, Brakefield, Burke, Buskey (JE), Butler, Carothers, Gray, Grayson, Hall, Hammett, Hettinger, Holley, Johnson (RG), Junkins, Laird, Lindsey, Mathis, Payne, Richardson, Sasser, Trammell, Venable and White (L).

—24

And the bill:

H. 29. (With Amendment): To provide for the "Alabama Safety Belt Use Act of 1986"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. B. 29 on Page 2, Section 4(b), after line 19, by adding the following subsection:

(6) Newspaper carriers while delivering newspapers house to house.

MOTION TO ADJOURN LOST

The motion offered by Rep. Harvey that the House adjourn until 3:00 o'clock p.m., Tuesday, February 4, 1986, was lost.

Yeas 40; Nays 41.

Yeas:

Reps. Albright, Beers, Black, Blake, Blakeney, Boles, Brakefield, Bryant, Bugg, Buskey (JE), Carter, Clark (D), Clark (W), Cosby, Dutton, Grayson, Hall, Harvey, Holmes, Hooper, Kennedy, Lindsey, Mathis, McDowell, McNair, Melton, Mikell, Payne, Perdue, Pratt, Preuitt, Rains, Rice, Sasser, Starkey, Thomas, Trammell, Turner, Venable and White (F).

—40

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Box, Britnell, Brooks, Burke, Butler, Campbell, Carothers, Clark (J), Coburn, Coleman, Fuller, Gray, Grouby, Hammett, Harper, Hettinger, Holley, Johnson (RW), Junkins, Kvalheim,

Laird, Lauderdale, Marietta, Martin, McKee, McMillan, Nicholson, Parker, Penry, Poole, Reed, Seibels, Tanner, Warren, White (G), White (L) and Zoghby.

—41

H. 29 RESUMED

The question was again on the amendment reported by the Standing Committee on Judiciary to the bill, H. 29.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 126. Relating to further duties of the Mobile County Commission and providing financial reports for distribution; providing that the provisions of the act shall be cumulative to any and all other laws relating to the duties of the chairman and members of the county commission.

JIMMY CLARK,
Chairman.

And the bill, H. 126 as engrossed was sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole, Aldridge, Amari, Bailey, Barron, Bedford, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 70. WELCOMING THE USS ALABAMA AND ITS CREWS TO THE PORT OF MOBILE AND THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 70, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 84. NAMING THE NATIONAL GUARD ARMORY IN OXFORD, ALABAMA, THE "AUBREY G. HICKS ARMORY."

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 84. NAMING THE NATIONAL GUARD ARMORY IN OXFORD, ALABAMA, THE "AUBREY G. HICKS ARMORY."

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:19 P.M. on January 30, 1986.

H. J. R. 84

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holmes and pursuant to the motion heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, February 4, 1986.

Yeas 47; Nays 37.

Yeas:

Reps. Albright, Beers, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Bryant, Bugg, Buskey (JE), Carter, Clark (D), Clark (W), Davis, Dutton, Faulk, Goodwin, Grayson, Hall, Hammett, Harvey, Holmes, Hooper, Johnson (RG), Kennedy, Lindsey, Mathis, McDowell, McNair, Melton, Mikell, Newton, Payne, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Thomas, Trammell, Turner, Venable and White (F).

—47

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Britnell, Brooks, Browder, Burke, Buskey (JL), Butler, Campbell, Carothers, Clark (J), Coleman, Cosby, Fuller, Gaston, Gray, Grouby, Harper, Hettinger, Holley, Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mitchell, Nicholson, Penry, Smith, Starkey, Tanner and White (G).

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SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 4, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Ernest Calvin, Mt. Sinai Baptist Church, Bessemer, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey, (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—98

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Davis, leave of absence was granted for Rep. Melton, for Military duties.

At the request of Rep. Boles, leave of absence was granted for Reps. Moore and Seibels.

At the request of Rep. Johnson (RW), leave of absence was granted for Reps. Mitchell and Newman.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 10:00 o'clock a.m., Thursday, February 6, 1986.

LEAVE OF ABSENCE

At the request of Rep. Box, leave of absence was granted for Rep. Fuller.

BILLS ON SECOND READING

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 241. To amend 40-21-60 of the Code of Alabama to further define the term express company.

H. 164. To grant to the judges of the Alabama Court of Civil Appeals the power to administer oaths, take affidavits, or acknowledgements.

H. 340. To amend Section 13A-7-29, Code of Alabama 1975, relating to criminal littering, so as to increase the penalties for committing said offense.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 80. To amend section 40-3-5, Code of Alabama 1975, relating to the prohibition of members of county boards of equalization holding other governmental positions, so as to allow those working under contract between the state or a state agency and a third party organization to be members.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 207. (With Amendment): Relating to the abandonment of the commission form of government by Class 6 municipalities; providing for a

referendum on the question of adoption of a mayor-council form of government with five (5) single-member districts and a mayor to be elected at large, or in the alternative a council-manager form of government with five (5) single-member districts; establishing in the alternative said forms of government; providing for the establishment of boundaries of districts, salaries of mayor and council, and the call of election for the members of the council and for a mayor if a mayor-council form of government was adopted; providing for the term of office of the initial council, and for mayor if the mayor council form of government was adopted; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges and emoluments, for the preservation of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipalities and all ordinances; and providing for an effective date of this act, and the severability of the provisions of this act.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severely read a second time and placed on the Calendar, to-wit:

H. 300. To propose a law to authorize two or more counties to establish self-funded insurance funds for the purpose of providing liability protection of the member counties.

H. 322. To propose a law to authorize two or more school boards to establish self-funded insurance funds for the purpose of providing liability protection of the member school boards.

H. 331. To amend section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating such services.

H. 339. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county governing body of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

H. 345. To provide that the governing body of any county or municipality may provide for health and medical insurance coverage for retired employees.

H. 347. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

H. 416. To propose a law to authorize two or more incorporated municipalities to establish self-funded insurance funds for the purpose of providing liability protection for the member municipalities.

H. 425. To provide for local governments in the State of Alabama to convert untenanted portions of commercial and industrial buildings into joint living and work quarters for artists under a redevelopment plan.

WHEREAS, persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of materials therefor, and of the products thereof, than are regularly found in dwellings; and

WHEREAS, the financial remunerations to be obtained from a career in the arts are generally small; and

WHEREAS, persons regularly engaged in the arts generally find it financially difficult to maintain quarters for their artistic endeavors separate and apart from their places of residence; and

WHEREAS, high property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work; and

WHEREAS, the residential use of such space is accessory to the primary use of such space as a place of work; now therefore,

Rep. Boles, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 403. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof all territory now within such corporate limits thereof and the territory lying within the corporate limits of the City of Roosevelt City including certain territory described by metes and bounds subject to approval of a majority of electors residing in said territory in an election provided for in the act, to provide for the transfer of assets, debts, existing contracts and employees of the City of Roosevelt City to the City of Birmingham as provided in Section 11-42-106, Code of Alabama 1975, should such annexation be approved, to repeal all laws or parts of laws in conflict herewith to the extent of such conflict, to make the provisions of the act severable, and to provide the effective date of the act.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Junkins, Crow, Onderdonk and Warren:

H. 452. To appropriate funds to the Alabama Association of Rescue Squads from the state general fund for the purpose of employing a full-time representative and executive director for said Association, and for the purchase, maintenance and operation of equipment necessary for the coordination of the performance of emergency services, and for the maintenance of a full-time state office for the Association and the staffing of the same.

WHEREAS, the Alabama Association of Rescue Squads is an organization which is entirely independent of any government agency. It was organized for the purpose of coordinating the efforts and resources of the 137 squads now active in setting standards for their activities. The organization also actively encourages new groups to form so that a network of qualified, well-trained squads will be available when needed anywhere in Alabama. The Association required proof of organization, thorough training of individual members, and ownership of basic equipment before accepting a squad into membership in the Association; and

WHEREAS, the 5,000 volunteers who make up the individual membership of the Alabama Association of Rescue Squads undergo rigorous and continual training on a regular basis under the guidance of qualified instructors such as advanced First Aid, Basic Rescue Skills and Techniques, Emergency Medical Technician I, Emergency Medical Technician II, Emergency Medical Technician III, Auto Extraction, Diving and many other courses, including courses taught by local doctors pertaining to their work. These men give unstintingly of their time in these training programs so that they are prepared to cope with almost any emergency. Each squad is listed in the telephone directory of its area, and maintains a twenty-four hour answering service. Any one may call for their assistance, but often their assistance is requested by Local Law Enforcement Agencies or other civic officials, including the local Emergency Management Agency. In case of a large-scale disaster, and at the request of the local squad, squads from other areas travel, at their own expense, many miles to assist with rescue work. Sometimes they leave their jobs for days or weeks to help where the need is great. Under these circumstances, they are not only unpaid for their services, but unpaid for their meals, lodging and transportation as well as the expense incurred in using their equipment; and

WHEREAS, most of the squads in the Association have accumulated basic equipment by dent of hard work. They solicit contributions through donations, roadblocks and other fund-raising programs. In many areas, other civic organizations hold fund-raising drives for their local rescue squad. A conservative estimate of their most basic equipment cost would be $50,000.00 per squad. Essential equipment includes ambulances, fully equipped; floodlights; generators; communication equipment; motorboats; grappling hooks; block and tackle; firefighting equipment; Hurst tools for auto extraction; all types of first aid supplies; stretchers; cutting torches; and a heavy-duty truck. Maintenance of this equipment is expensive due to the hard usage it undergoes; and

WHEREAS, the volunteer rescue squads are prepared to cope with a wide range of emergencies. They work effectively in rescuing victims of water mishaps, searching for lost persons in wooded areas, cliff rescue, persons stranded in caves, mines, wells, atop towers and other accessible places. They also work with law enforcement agencies and fire departments. They are trained in tunneling and shoring, which training is applied in event of caveins, or in rescuing persons trapped in debris from tornadoes and hurricanes. Rescue squads serve their communities in other ways. For instance, sixty-two percent (62%) of all ambulance service in Alabama is furnished by voluntary rescue squads, assuring the people of their area a reliable ambulance service, which the communities could not otherwise afford. They maintain trained volunteer crews around the clock to make these ambulances and personnel available for the public. The areas covered by rescue squads ambulance services have populations not dense enough to support a commercial ambulance service. We now have 78 ambulance services furnished by units of the Alabama Association of Rescue Squads. In severe and widespread emergency situations, a local squad can call and have the services of 10 to 25 other squads within one or two hours, and sometimes within less than an hour; and

WHEREAS, the above are only a few of the many instances of the dedicated work of rescue squads. They perform services not provided for by any other group or governmental agency. Only rescue squads have the manpower, the equipment and the "know-how" to aid the public in a wide assortment of dire emergencies. Rescue squads are among the very few civic

organizations whose sole and only purpose is to serve the public. It is reassuring to know that such a group exists throughout the state, eager to be of help; and

WHEREAS, the demand for the services of local rescue squads and the coordination of their efforts in time of large-scale emergencies has become so great that the Association can no longer operate efficiently with voluntary manpower, furnished by its elected officers on a voluntary basis, and without a central office from which to operate. There is a need for a full-time paid executive director, with a full-time paid clerk or secretary, a central state office and the equipment within which to operate such office and implement the services of such staff; now therefore,

Committee on Ways and Means.

By Rep. Grayson:

H. 453. To amend Section 32-5A-155, Code of Alabama, 1975, to require that all buses converted for uses other than transporting pupils to or from school or school activities shall be painted a color other than National School Bus Yellow and have certain other alterations.

Committee on State Administration.

By Reps. Turnham and Johnson (RW):

H. 454. To amend Section 17-4-153, Code of Alabama 1975, relating to expense allowances for registrars, so as to provide for an increase.

Committee on Ways and Means.

By Rep. Coburn:

H. 455. To amend Section 41-16-3 of the Code of Alabama 1975, relating to state government and public contracts so as to further provide for the time in which to execute such contracts; and further providing for the interest rate to be applicable to delinquent payments by the state.

Committee on Ways and Means.

By Reps. Carter and Butler:

H. 456. To create the crime of theft by fraudulent leasing or rental of property from a person licensed to lease personal property where the lessee gives a false or fictitious name or address, or where the lessee fails to return the leased property to the place or within the time specified in the rental agreement; to provide for making a demand on the lessee to return the leased property within a specified time, and to provide that a failure to return the leased property within the specified time, after demand, shall constitute prima facie evidence that the leasing or rental of the property was fraudulent, and that lessee intended, knew or expected that he would not perform the terms of the rental agreement at the time it was made; and to provide that the fraudulent leasing or rental of property having a value of $100.00 or less shall be a Class A misdemeanor, and if property has a value of $100.00 or more, the fraudulent leasing or rental shall be a Class C felony.

Committee on Judiciary.

By Rep. Turner:

H. 457. To create and provide for an Inland Ports and Alabama State Docks Fund; to make certain appropriations to such fund from the state

general fund based upon the income from the investment of certain moneys derived by the state from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; and to provide for the Inland Ports and Alabama State Docks Fund Committee.

Committee on Ways and Means.

By Rep. Coleman:

H. 458. To require that any bill introduced in the legislature which attempts to annex territory to a municipality or otherwise change the boundary lines of any municipality shall contain an accurate description of the territory to be annexed or removed from such municipality along with a map of such territory attached; to provide that a copy of such map be filed with the judge of probate of the county or counties where such territory is located and to require that any publication of notice of intent to apply for a local law annexing territory to a municipality or otherwise changing the boundary lines of any municipality shall state that a copy of such map is on file in the office of the probate judge and open to inspection by the public.

Committee on State Administration.

By Rep. Butler:

H. 459. To amend Sections 22-21-20 and 22-21-27, Code of Alabama 1975, as amended, to include and provide for the licensure of home health agencies and hospice.

Committee on Health.

By Reps. Venable and McMillan:

H. 460. To authorize counties of this state to establish and provide fire protection districts within each county; to enter into agreements with organized fire departments within each county for fire protection and services; to set fees for fire protection services within each county; and to prescribe the manner of collection and distribution of such fees.

Committee on Local Government.

By Reps. Newton, Rogers, Davis, Perdue and Spratt (With Notice and Proof):

H. 461. To further amend Sections 18 and 20 of an act designated as Act #248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of the Legislature of Alabama of 1945, pp. 376-400) as heretofore amended relating to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a countywide civil service system. To provide for appointment of department heads from all qualified candidates unless the appointing authority shall request the three ranking eligibles only.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 461, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Zoghby:

H. 462. To further amend Section 40-18-19, Code of Alabama 1975, as last amended, which provides for certain exemptions from income taxation allowed to taxpayers, so as to increase the personal exemption allowed for persons age 65 and older; to make the provisions retroactive to the calendar year; and to provide for a termination date.

Committee on Ways and Means.

By Rep. Zoghby:

H. 463. To amend Section 40-18-29, Code of Alabama 1975, which provides for fiduciaries making tax returns for taxpayers for whom they are acting, so as to increase the annual exclusion of taxpayers age 65 and older; and to provide for a termination date.

Committee on Ways and Means.

By Rep. Zoghby:

H. 464. To amend Section 40-18-27, Code of Alabama 1975, which requires all taxpayers with certain yearly net incomes to file annual state tax returns, so as to raise the net income exclusion for individual taxpayers age 65 years and older; and to provide a termination date.

Committee on Ways and Means.

By Rep. Zoghby (With Notice and Proof):

H. 465. To amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 459), as amended, which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 465, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carothers (With Notice and Proof):

H. 466. Relating to Houston County; to regulate the election and tenure of the Houston County Commission; to provide for the at-large election of a full-time chairman of said commission; to provide for the election of part-time associate county commissioners from four election districts; to provide for qualifications and residency requirements; to provide for the filling of vacancies in such offices; and to provide for the creation of four county commission districts.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 466, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers, Johnson (RG) and White (L):

H. 467. To amend Section 2-7-31 setting up the special awards committee for fairs and providing for duties of the committee and the maximum amount committee members received for per diem and expenses; to delete the maximum amount of per diem and expenses allowed.

Committee on Public Utilities and Transportation.

By Reps. Brooks, Gaston, Kvalheim, Mikell, McKee, Hooper, Seibels, Beers, Bachus, Biddle, White (G), Gray and Starr (Constitutional Amendment):

H. 468. Proposing an amendment to the Constitution of Alabama protecting a citizen's right to work.

Committee on Public Utilities and Transportation.

The above bill was read a first time at length as required by the Constitution.

By Reps. Nicholson and White (F):

H. 469. To provide a five percent cost-of-living pay increase for certain public education employees during the 1986-87 fiscal year; to provide a cost-of-living pay increase for certain retired educational employees and to appropriate additional funds therefor; and to prescribe a manner for payment. All provisions of this act to be effective for the state fiscal year beginning October 1, 1986, from funds allocated.

Committee on Ways and Means.

By Rep. Harvey:

H. 470. To amend Section 9-13-126, Code of Alabama 1975, relating to the "control of forest tree insects and diseases fund" in the state treasury so as to provide for the appropriation, allocation and replenishing of monies in said fund each year; and requiring the state comptroller to replenish the funds within a period of one week following commencement of each state fiscal year.

Committee on Ways and Means.

By Rep. Rains:

H. 471. To amend Sections 22-16-1 and 22-16-2 of the Code of Alabama 1975, relating to venereal diseases, so as to provide further for such diseases.

Committee on Health.

By Rep. Browder:

H. 472. To amend Section 36-21-2 of the Code of Alabama 1975, relating to subsistence allowance for certain law enforcement officers, so as to provide further for such allowance.

Committee on Ways and Means.

By Reps. Penry and McMillan:

H. 473. To provide the State Department of Education the authority to enter into contracts for periods not greater than three years for the storage and distribution of the United States Department of Agriculture Commodities.

Committee on Natural Resources.

By Reps. Bachus, Zoghby, Seibels and Davis:

H. 474. Relating to neglected, abandoned, and mistreated animals; to provide for the removal from custody of such animals and their humane disposition; to provide for the appointment of officers for investigating violations; to provide for seizure of such animal by said officers after having obtained a warrant charging the person or persons found abandoning, neglecting, or mistreating, said animal with violation of Section 13A-11-14, Code of Alabama 1975, and to provide certain judicial proceedings and disposition.

Committee on Judiciary.

By Rep. Bryant:

H. 475. To permit agricultural aircraft to take off and land on lightly traveled local highways with the permission of the County Commission of said county provided that the average daily traffic count on the road is less than 200.

Committee on Highway Safety.

By Reps. Beers and White (G) (Constitutional Amendment):

H. 476. To propose an amendment to the Constitution of Alabama of 1901, which provides for the governor's authorization to convene special sessions of the legislature, so as to provide further for the convening of said sessions.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Reps. Smith and Tanner:

H. 477. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be to the Alabama supreme court instead of to the Alabama court of criminal appeals; to amend Code of Alabama 1975, §12-3-9 and §13A-5-53 accordingly; to provide that the Alabama supreme court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act; to provide which cases this act applies to; to provide for the repeal of conflicting laws and the scope of that repeal; to provide for severability; and to provide an effective date.

Committee on Judiciary.

By Rep. Harper (With Notice and Proof):

H. 478. To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provides for the establishment and operation of pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for: the qualifications for membership in such system; a financial consultant for such system; the composition, powers and duties of the board of directors of such system; a full-time secretary for such system; prohibiting the garnishment of pension funds; eligibility and participation; procedures for reimbursement from the city for certain pensions relating to work related disabilities; computing certain pensions; allowances to surviving spouses; the transition of duties and responsibilities between

the City of Mobile and the Board; the procedure on appeal from a decision of the Board; certain options in electing benefits under such system; cost-of-living increases in pensions under such system and to specifically repeal Sections 15 relating to certain retirement procedures, and 22 relating to the option of non-membership of said act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 478, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne:

H. 479. To amend Section 11-42-40, Code of Alabama 1975, which provides for annexation by municipalities of 25,000 or more inhabitants, so as to decrease the population to 3,000 inhabitants.

Committee on Local Government.

By Rep. Payne:

H. 480. To create and establish the Alabama Economic and Financial Advisory Council; to provide for the membership of such council; to prescribe the terms, duties and responsibilities of the members of such council; to provide for the organization and staff of such council; to provide for the intergovernmental cooperation between the council and state agencies toward the purposes for which such council shall exist and to provide that the Governor and the Legislature shall use a certain report issued by said council as a basis for formulating the state budgets for each fiscal year.

WHEREAS, the State of Alabama today faces financial problems of unprecedented seriousness; and

WHEREAS, reputable economic forecasters have projected a continual widening of the gap between state income and expenditures in the years ahead; and

WHEREAS, there is a need for continual monitoring and analysis of our state's financial condition; and

WHEREAS, a sound and continuing knowledge and understanding of current and projected economic conditions is essential to our state's financial well-being; and

WHEREAS, Alabama is fortunate to have many citizens in both the private and public sectors who can contribute positively to the knowledge and understanding of our state's financial and economic situation; now therefore,

Committee on State Administration.

By Reps. Rogers, White (F), McNair, Grouby, Trammell, Preuitt, Gray, Starkey, Clark (D), Butler, Perdue, Newton, Spratt, Bachus, White (G), Bugg, McDowell, Rice, Cosby, Martin, Turner, Kvalheim, Brooks, Hettinger, Hall, Mikell, Lindsey, Parker, Lauderdale, Grayson, Harvey, Burke, Junkins, Crow, Richardson, Smith, Holley, Nicholson, Thomas, Boles, Goodwin, Coburn, Clark (J), Turnham, Flowers, Venable, Rains, Box, Adams, Warren, White (L), Campbell, Johnson (RG), Bryant,

Beasley, Mathis, Poole, Carothers, Brakefield, Buskey (John), Hammett, Starr, McKee, Hooper, Blakeney, McMillan, Onderdonk, Penry, Black, Holmes, Clark (W), Buskey (James), Zoghby, Marietta, Harper, Gaston, Kennedy, Tanner, Pratt and Davis:

H. 481. To provide that whenever any charitable, educational, non-profit or other organization solicits funds from the general public, that a certain percentage of said funds so received must actually be paid over to the organization on whose behalf the funds were solicited; to provide that the office of the attorney general shall enforce the provisions of this act and shall have the power to promulgate rules and regulations and to require the filing of such reports, under oath, as deemed necessary to carry out the provisions of this act; providing penalties.

Committee on Local Government.

By Rep. Payne (Constitutional Amendment):

H. 482. Proposing an amendment to the Constitution of 1901, prohibiting deficit spending and relating to appropriations and the legislative process therefor.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Rogers, Davis, Trammell, Boles, McNair, Gray, Perdue, McDowell and Pratt (With Notice and Proof):

H. 483. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for the compensation of board members and the chairman for attendance of meetings of the board and for attendance upon trials or hearings.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 483, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW):

H. 484. To relieve the Judge of Probate from charging the fee authorized by Chapter 19 of Title 12 of the Code of Alabama 1975 relating to celebrating the rites of matrimony so as to allow the Judge of Probate to charge such fee as he shall from time to time determine and to provide that any such fee when charged by the Judge of Probate for celebrating the rites of matrimony may be retained by him.

Committee on Local Government.

By Reps. Rice and Turnham (Constitutional Amendment):

H. 485. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Lee County and having its city hall or municipal headquarters located outside

of the boundaries of Lee County from annexing any future territory in Lee County without prior referendum approval of a majority of the qualified electors living within the area to be annexed; and providing for such referendum elections.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Rice and Turnham:

H. 486. To exempt the Elks Club, B.P.O.E., No. 1834, a corporation, from the payment of certain state, county and municipal sales and use taxes, to make the provisions of this act retroactive to April 1, 1980.

Committee on Ways and Means.

By Rep. Albright:

H. 487. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

Committee on Judiciary.

By Rep. Starr:

H. 488. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than 5 circuit judges; and repealing Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 40. MOURNING THE DEATH OF JOHN R. SPARKS OF CULLMAN COUNTY, ALABAMA.

Also:

H. J. R. 42. COMMENDING CULLMAN HIGH SCHOOL ON ITS OUTSTANDING 1985 FOOTBALL SEASON.

Also:

H. J. R. 44. CONGRATULATING HANCEVILLE HIGH SCHOOL, 1985 4A AREA 13 FOOTBALL CHAMPIONS.

Also:

H. J. R. 46. COMMENDING WILLIAM HUGH SHELTON OF CULLMAN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 48. COMMENDING DR. IRA L. MYERS FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 50. COMMENDING THE VINEMONT HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1985 FOOTBALL SEASON.

Also:

H. J. R. 52. COMMENDING THE GOOD HOPE HIGH SCHOOL VOLLEYBALL "A" TEAM.

Also:

H. J. R. 54. COMMENDING WEST POINT HIGH SCHOOL ON ITS OUTSTANDING 1985 FOOTBALL SEASON.

Also:

H. J. R. 66. COMMENDING BOBBYE M. BONHAM FOR HER LONG AND ABLE SERVICE IN THE FIELD OF PUBLIC EDUCATION AND WISHING HER A HAPPY RETIREMENT.

Also:

H. J. R. 68. COMMENDING WILLIAM C. MORRIS OF MOBILE, RENOWNED ARTIST AND COMMUNITY LEADER.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 69. COMMENDING MARGARET SOLBERGER OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 70. COMMENDING KATHRYN TUCKER WINDHAM OF SELMA, ALABAMA, RECIPIENT OF THE 1985 "LIVING FOR AMERICA" AWARD.

Also:

H. J. R. 71. COMMENDING THE EDGEWOOD JUNIOR GARDENERS OF EDGEWOOD ELEMENTARY SCHOOL, SELMA, ALABAMA.

Also:

H. J. R. 72. COMMENDING THE SAND ROCK HIGH SCHOOL WILDCATS, STATE 1A FOOTBALL CHAMPIONS FOR 1985.

Also:

H.J. R. 73. CONGRATULATING BARRY S. COCHRAN, EXECUTIVE DIRECTOR OF BAPTIST MEDICAL CENTER CHEROKEE.

Also:

H.J. R. 81. COMMENDING CAROLYN VEASY OF GADSDEN, ALABAMA, MISS ALABAMA STATE UNIVERSITY 1984-85.

Also:

H.J. R. 82. HONORING MAURICE DEAN OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J. R. 83. COMMENDING CLARENCE W. DAUGETTE OF GADSDEN, ALABAMA, AS ETOWAH COUNTY'S PATRIOT OF THE YEAR.

Also:

H.J. R. 85. HONORING SELMA, ALABAMA'S DIAMOND, THE "GREAT AMERICAN DOG."

Also:

H.J. R. 86. COMMENDING GAIL OGLE OF SELMA, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT.

Also:

H.J. R. 87. WISHING OUR FRIEND AND COLLEAGUE, REPRESENTATIVE SONNY MOORE, A SPEEDY RECOVERY.

Also:

H.J. R. 93. COMMENDING CHARLES G. MUNDEN OF MOBILE, ALABAMA, ENGINEER OF THE YEAR FOR PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE.

Also:

H.J. R. 94. COMMENDING JOSEPH NIGOTA OF MOBILE, ALABAMA, 1985 UNIVERSITY OF SOUTH ALABAMA PROFESSOR OF THE YEAR.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Reps. White (F) and Warren:

H. J. R. 138. NAMING THE NEW PUBLIC FISHING LAKE IN CONECUH NATIONAL FOREST, ESCAMBIA COUNTY, ALABAMA, THE "LEON BROOKS HINES LAKE"

WHEREAS, the late Leon Brooks Hines of Brewton, Alabama, served with distinction in the Alabama Legislature from 1974 to 1982, representing House District 91, composed of the largest portion of Escambia County; and

WHEREAS, during Representative Hines' legislative tenure, he distinguished himself as an outstanding public servant and one whose contributions and service have had lasting and favorable impact on the entire State of Alabama; and

WHEREAS, among Mr. Hines' notable accomplishments, achieved through dedicated and tireless effort, was the necessary funding for the new public fishing lake in Conecuh National Forest, in Escambia County, Alabama; and

WHEREAS, it is the consensus of the Legislature that appropriate action be taken to commemorate the life of Leon Brooks Hines and to create a permanent and lasting memorial in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the new public fishing lake in Conecuh National Forest, Escambia County, Alabama, as the "Leon Brooks Hines Lake."

BE IT FURTHER RESOLVED, That the Department of Conservation and Natural Resources is authorized to erect and maintain signs and markers so designating the "Leon Brooks Hines Lake" and that said department shall further cause to be erected an appropriate plaque bearing the legend that the "Leon Brooks Hines Lake" is named in honor of the late State Representative Leon Brooks Hines by a joint resolution of the 1986 Regular Session of the Alabama Legislature by Representative F. P. "Skippy" White and Senator E. C. Foshee; as requested by the Escambia County Board of County Commissioners: Chairman Devon Wiggins, Commissioner William Cook, Commissioner Jim Evans, Commissioner Sammy McGowin and Commissioner Weldon Vickery; and during the administration of Governor George C. Wallace.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 138, was adopted.

Also:

By Rep. Rains:

H. J. R. 139. COMMENDING EARL M. ALBRITTON FOR DISTINGUISHED MILITARY SERVICE DURING WORLD WAR II.

WHEREAS, Earl M. Albritton is a distinguished veteran of World War II who served as a machine gunner and demolitionist with Hq. Co. 2nd Bn. 506 Parachute Infantry Regiment and participated in both the D-Day Invasion on June 6, 1944, and Operation Market-Garden, September 17, 1944; and

WHEREAS, among the first to be dropped into France on D-Day, Corporal Albritton parachuted some 2½ miles inland to help secure causeways leading to "Utah" Beach where the 4th Infantry Division was to land five hours later; for his courageous actions he was awarded the Presidential Citation, French Croix de Guerre with Palm, Belgian Croix de Guerre, Bronze Arrowhead, Bronze Star and Combat Infantry Badge; and

WHEREAS, Corporal Albritton was again called upon to participate in Operation Market-Garden, and on September 17, 1944, parachuted into Holland 2.3 miles behind the German lines to secure bridges and keep roads open for the British Second Army; on September 23, 1944, he was gravely wounded by machine gun fire from a German Mark IV tank; and

WHEREAS, Corporal Albritton, for outstanding bravery, beyond the call of duty, was awarded both the Presidential Citation and the Belgian Croix de Guerre, for the second time, and also received the Purple Heart, Belgian Fourragere, Netherland Orange Lanyard and, again, the Bronze Star, Bronze Arrowhead and Combat Infantry Badge; and

WHEREAS, it is to be noted that June 6, 1985, marked the 41st anniversary of Corporal Albritton's participation in the D-Day Invasion of World War II and during said action, distinguished himself in valor and as an American patriot to whom our nation is indebted; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of bravery, beyond the call of duty, we hereby most highly commend Earl M. Albritton, a truly courageous American whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 139, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Davis:

H. R. 140. HONORING THE UNITED METHODIST WOMEN'S ORGANIZATION AND PROCLAIMING APRIL 5, 1986 AS UNITED METHODIST WOMEN CENTENNIAL DAY IN ALABAMA.

Also:

By Rep. Flowers:

H. R. 141. CONGRATULATING MR. AND MRS. J. L. BRUCE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Reps. Crow, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 142. CONGRATULATING MR. AND MRS. A. J. BLAKE ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 40th Wedding Anniversary, February 6, 1986, of Mr. and Mrs. A. J. Blake of Pell City, Alabama; and

WHEREAS, in the sight of God, A. J. Blake and his bride, the former Doris Traylor, were joined in wedlock on February 6, 1946, at Woodlawn Baptist Church in Birmingham and these two fine people, forsaking all others, have remained in said Holy state for the past 40 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, A. J., a member of the Alabama House of Representatives since 1978, and Doris are the parents of four children, the Reverend Jeffry Blake, Sherry B. Leonard, Brenda B. Nixon and Pamela B. Denson, and they are the proud grandparents of four beautiful girls and four fine boys; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Pell City, Alabama, Mr. and Mrs. A. J. Blake and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Representative and Mrs. Blake that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 142, was adopted.

Also:

By Reps. Turner, Marietta, Zoghby, Clark (W), Gaston, Kvalheim, Box, Buskey (James), Harper and Kennedy:

H. J. R. 143. AMENDMENT NO. 408 TO THE CONSTITUTION IN 1982.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was the intent of the Legislature in passing Amendment No. 408 to the Constitution in 1982 that the House of Representatives have one appointment to the Mobile County Judicial Commission and the Senate have one appointment to the Mobile County Judicial Commission.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 143, was adopted.

Also:

By Rep. Turner:

H. R. 144. AMENDING THE HOUSE RULES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House Rules are hereby amended to add a new rule 32a to read as follows:

Rule 32a. There shall be no eating of food or drinking of beverages in the House Chamber.

MOTION TO ADOPT

Having previously filed a Notice in Writing, Rep. Turner offered the motion to adopt the resolution, H. R. 144.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Buskey (James) to indefinitely postpone the resolution, H. R. 144, was lost.

Yeas 30; Nays 35.

Yeas:

Reps. Albright, Black, Blake, Brakefield, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Goodwin, Gray, Hall, Harvey, Hettinger, Johnson (RW), Junkins, Kennedy, Lauderdale, Marietta, McDowell, McMillan, Newton, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Spratt and Thomas.

—30

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Blakeney, Boles, Burke, Butler, Clark (D), Cosby, Crow, Flowers, Gaston, Grouby, Hammett, Harper, Holley, Hooper, Laird, Lindsey, Mathis, McKee, Mikell, Rice, Richardson, Sasser, Starr, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—35

The question was again on the motion offered by Rep. Turner to adopt the resolution, H. R. 144.

MOTION TO POSTPONE

Rep. Holmes offered the motion to postpone consideration of the resolution, H. R. 144, to the twelfth legislative day.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Turner to table the motion to postpone offered by Rep. Holmes, was lost.

Yeas 36; Nays 37.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blakeney, Bowling, Burke, Carothers, Clark (D), Clark (J), Coburn, Cosby, Crow, Flowers, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Laird, McDowell, McKee, Penry, Rains, Rice, Sasser, Smith, Starr, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—36

Nays:

Reps. Albright, Black, Blake, Boles, Brakefield, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Goodwin, Grayson, Hall, Harvey, Holmes, Johnson (RG), Junkins, Kennedy, Lauderdale, Marietta, Martin,

Mathis, McMillan, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Spratt, Starkey, Thomas and White (F).

—37

The question was then on the motion offered by Rep. Holmes to postpone consideration of the resolution, H. R. 144, to the twelfth legislative day, and the motion was adopted.

Yeas 38; Nays 32.

Yeas:

Reps. Albright, Black, Blake, Boles, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Clark (W), Davis, Goodwin, Gray, Grayson, Hall, Harvey, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lauderdale, Marietta, Martin, Mathis, McDowell, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Spratt, Thomas and White (F).

—38

Nays:

Mr. Speaker, Adams, Bachus, Blakeney, Campbell, Carothers, Clark (D), Clark (J), Cosby, Crow, Flowers, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Kvalheim, Laird, Lindsey, McKee, McMillan, Penry, Rice, Sasser, Smith, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—32

H. R. 144 POSTPONED

The resolution, H. R. 144, was postponed to the twelfth legislative day.

Also:

By Reps. Spratt, Holley, Davis, Rice and Venable:

H. J. R. 145. COMMENDING R. C. "RED" BAMBERG FOR HIS SERVICE ON THE BOARD OF DIRECTORS OF THE ALABAMA AGRICULTURAL DEVELOPMENT AUTHORITY.

WHEREAS, the Alabama Agricultural Development Authority was enacted by the Legislature in 1980 to help Alabama farmers obtain low interest loans in matters concerning farming operation; and

WHEREAS, R. C. "Red" Bamberg has been a member of the Board of Directors of said Alabama Agricultural Development Authority since its inception and has served as its first and only vice chairman; and

WHEREAS, under the leadership of men such as "Red" Bamberg, the Alabama Agricultural Development Authority has been able to place millions of dollars in low interest loans into the hands of farmers in Alabama which has been of real benefit to said farmers; and

WHEREAS, the hard work, diligence and activities above and beyond the call of duty conducted by "Red" Bamberg on behalf of the Alabama Agricultural Development Authority, for no remuneration other than mere expenses, has been one of the reasons the Alabama Agricultural Development Authority has been able to function as effectively as it has; and

WHEREAS, it has been brought to the attention of the Legislature that "Red" Bamberg intends to resign and his resignation from said Board will be felt immediately by the Board members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend R. C. "Red" Bamberg for his outstanding leadership and devotion to duty in his service to the Alabama Agricultural Development Authority and commend him for a job "well done".

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to "Red".

On motion of Rep. Spratt, the rules were suspended and the resolution, H. J. R. 145, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 145:

Mr. Speaker, Adams, Beasley, Blake, Bowling, Britnell, Browder, Bryant, Buskey (JE), Clark (D), Coburn, Cosby, Crow, Flowers, Grouby, Hall, Harvey, Hettinger, Hooper, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mikell, Nicholson, Onderdonk, Poole, Preuitt, Rice, Richardson, Sasser, Smith and Venable.

MOTION TO RECONSIDER ADOPTED

The motion offered by Rep. Holmes to reconsider the vote by which the resolution, H. J. R. 145, was adopted, was adopted.

MOTION TO TABLE LOST

The motion offered by Rep. Holmes to table the resolution, H. J. R. 145, was lost.

Yeas 7; Nays 53.

Yeas:

Black, Buskey (JL), Holmes, McDowell, McNair, Perdue and Thomas.

—7

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Carothers, Clark (J), Coburn, Cosby, Crow, Faulk, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Onderdonk, Penry, Poole, Preuitt, Rice, Sasser, Smith, Tanner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—53

RESOLUTION ADOPTED

On motion of Rep. Spratt, the resolution, H. J. R. 145, was again adopted.

Also:

By Reps. Davis and Marietta:

H. J. R. 146. HONORING THE UNITED METHODIST WOMEN'S ORGANIZATION AND PROCLAIMING APRIL 5, 1986 AS UNITED METHODIST WOMEN CENTENNIAL DAY IN ALABAMA.

WHEREAS, United Methodist Women is an organization of women dedicated to mission in and through the United Methodist Church and is celebrating an Era of beginnings of the several women's mission groups of the former denominations which now comprise the United Methodist Church; and

WHEREAS, the Era of celebration which is known as the Centennial Era Celebration of the Women's Division, General Board of Global Ministries, the United Methodist Church, signifies a history and a heritage of women organized for mission, dating from 1879, in Tuscaloosa, Alabama; and

WHEREAS, for over one hundred years women in the Methodist Tradition have strived to serve their communities, their state, their church, and their nation in an effort to improve the conditions of humankind; and

WHEREAS, major goals of the organization of United Methodist Women include the development of personal and spiritual conditions of life for women; to enable women to be informed and involved in the issues of concern to all humanity; to train, encourage and provide women leaders for their communities, their state, their church and their nation; and accomplishments, and their 100-year-Heritage within the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby proclaim April 5, 1986 as United Methodist Women Centennial Celebration Day in Alabama and that we hereby urge all citizens in Alabama, all news media, and all civic, cultural and community organizations to join in this salute by acknowledging the achievements of individual members and of the organizations as they contribute daily to our societal, civic and cultural purposes and by congratulating these women for the faithful commitment to their purpose which allows them now to enjoy this Centennial Celebration.

On motion of Rep. Davis, the rules were suspended and the resolution, H. J. R. 146, was adopted.

Also:

By Rep. White (F):

H. J. R. 147. COMMENDING THE J.D. JAZZ GROUP AT JEFFERSON DAVIS STATE JUNIOR COLLEGE.

WHEREAS, J.D. Jazz was organized in 1981, under the direction of Mrs. Glenda Summerford, both in an effort to improve the quality of the music program at Jefferson Davis State Junior College and to better serve the needs of the community by providing quality entertainment to the area schools and civic organizations; and

WHEREAS, in performing throughout the state, the J.D. Jazz group has received superior ratings, for the second consecutive year, at the National Peanut Festival in Dothan; has been selected as "Best of Show" in the college division of the 1984 Peanut Festival; performed for the past five

years at the college for the Miss America program; performed for the state meeting of the Alabama Junior College Presidents; and has been active in giving benefit concerts to aid in fund raising for needy area residents; and

WHEREAS, the outstanding personal achievement of many of the group's members also is to be noted with commendation: one former member, for example, has graduated with honors from the Boston Conservatory of Music and is now attending the New England Conservatory of Music, while another former member currently attends the Boston Conservatory of Music, and other alumni of J.D. Jazz are attending the University of Alabama and Auburn University working toward degrees in business, medicine and the fine arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to Jefferson Davis State Junior College and the community, both as a group and individually, we hereby most highly commend J.D. Jazz, and direct that a copy of this resolution be forwarded to Mrs. Summerford, on behalf of present and former members of J.D. Jazz, with a copy also provided for display at Jefferson Davis State Junior College.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 147, was adopted.

Also:

By Reps. Bugg and Junkins:

H. J. R. 148. MOURNING THE DEATH OF FRANK DRAIN OF GADSDEN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama House of Representatives records the death of Frank Drain of Gadsden, Alabama, on January 3, 1986; and

WHEREAS, though a native of Lee County, Alabama, Mr. Drain was a longtime resident of the Gadsden area and, at the time of his death, was retired from Republic Steel Corporation; and

WHEREAS, Mr. Drain, who was active in many civic and political organizations, was a member of Mt. Pilgrim Baptist Church and a founder of Community Workers pride group; and

WHEREAS, the death of Frank Drain has indeed left a deep void in the Gadsden community and in the hearts of all those whose lives he touched through innate kindness, care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Frank Drain of Gadsden, Alabama, and extend our very deepest sympathy to all his family.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Drain's wife, Mrs. Mary C. Drain; daughters, Mrs. Veola M. Stephens, Mrs. Sarah F. Minnefield, and Mrs. Louise C. Davis; to his son, Walter D. Drain; and other family members that they all may know we sincerely share the sorrow of their great and grievous loss.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 148, was adopted.

Also:

By Rep. White (L):

H. J. R. 149. COMMENDING BETTY CAROL GRAHAM, AS AEA VICE PRESIDENT-PRESIDENT ELECT.

WHEREAS, the Alabama Legislature notes with highest commendation the election of Betty Carol Graham of Tallapoosa County, Alabama, as Vice President-President Elect of the Alabama Education Association; and

WHEREAS, this prestigious position is a culmination of Mrs. Graham's longtime involvement in AEA activities, including service as chairperson of UniServ Council for Chambers, Lee, Elmore and Tallapoosa Counties for two terms; State Budget Commission; Congressional Contact Team for the 99th Congress; current service in her second three-year term on the AEA Board of Directors for the 13 counties comprising district three; local officer and activities in A-Vote; and as liaison to the Public Relations Commission; and

WHEREAS, Mrs. Graham, who graduated with honors and the B.S. degree from Jacksonville State University, also holds the Master's degree from Montevallo University, AA certification in secondary education from Auburn University and is a member of Dadeville's Gamma Iota Chapter of Delta Kappa Gamma and the National Education Association; and

WHEREAS, she has been employed with the Tallapoosa County School System since September 1972 where she has served as Beta Sponsor, Yearbook Advisor, and as Junior and Senior Class Sponsor, among other duties, and has worked part-time with Southern Union Junior College since 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and career accomplishment, we hereby most highly commend Betty Carol Graham of Tallapoosa County, Alabama, Vice President-President Elect of AEA, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 149, was adopted.

Also:

By Reps. Bowling, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 150. NAMING THE CLASSROOM AND PHYSICAL EDUCATION FACILITY UNDER CONSTRUCTION AT WALLACE STATE

COMMUNITY COLLEGE, HANCEVILLE, "THE TOM DRAKE COMPLEX"

WHEREAS, the State Board of Education on February 28, 1985, authorized Wallace State Community College, Hanceville, to construct a classroom and physical education facility; and

WHEREAS, this facility will greatly enhance the education opportunities afforded students; and

WHEREAS, this long-awaited facility is extremely important to faculty, staff, students, and the college community; and

WHEREAS, the facility designation should reflect the important role the facility will play in the enhancement of the college campus; and

WHEREAS, Representative Tom Drake has been a steadfast supporter of education in Alabama, particularly postsecondary education; and

WHEREAS, Representative Drake's statesmanship and leadership have been recognized by his peers as evidenced by his election as Speaker of the Alabama House of Representatives; and

WHEREAS, the Chancellor of Postsecondary education recommends said action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new classroom and physical education facility on the campus of Wallace State Community College is hereby designated "The Tom Drake Complex."

BE IT FURTHER RESOLVED, That an appropriate plaque be prominently displayed in "The Tom Drake Complex" and a copy of this resolution be presented to Representative Tom Drake in recognition of his contributions to the State of Alabama.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 150, was adopted.

Also:

By Reps. Payne, Boles, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John) Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 151. MOURNING THE DEATH OF LEON BROOKS HINES OF BREWTON, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the sudden and untimely death of our friend and former colleague, Leon Brooks Hines

of Brewton, Alabama, who died December 7, 1985, at the age of 38 years; and

WHEREAS, Mr. Hines, who served in the Alabama House of Representatives from 1974 to 1982, was appointed to a number of important committees including Health (vice chairman), Banking and Insurance; he further chaired the Legislator's Prison Oversight Committee whereby he was instrumental in securing funds necessary for the many vast improvements that have been made in the Alabama Prison System; and

WHEREAS, Brooks Hines will long be remembered for his honesty and integrity; his concern and willingness to help his fellow man; his love for his family and children; his involvement in community activities; his service to the people of the State of Alabama and the statesmanship he displayed through said service; and his warmth and friendship with his fellow legislators and other state officials; and

WHEREAS, he was a man of outstanding character whom we all loved and admired; he was a man we sorely miss and whose death we mourn; and he was a man who leaves behind a deep void in the legislative halls of our Capitol and in the hearts of all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Leon Brooks Hines of Brewton, Alabama, and direct that copies of this resolution of condolence be forwarded to his wife, Virginia Wilder Hines; children, Robert, Christopher, Ashley and Elizabeth; and to his parents, Mr. and Mrs. Jack Hines.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 151, was adopted.

Also:

By Rep. Junkins:

H. J. R. 152. COMMENDING COMMISSIONER FRED SMITH, THE ALABAMA DEPARTMENT OF CORRECTIONS AND ITS CORRECTIONAL INDUSTRIES DIVISION AND THOSE INMATES ASSISTING IN THE RENOVATION OF AND MOVE INTO THE "STATE HOUSE"

WHEREAS, the Alabama Department of Corrections and its Correctional Industries Division, under the leadership of Commissioner Fred Smith, contributed greatly to the successful renovation of and subsequent move into the "State House"; and

WHEREAS, this contribution included the movement of furniture, records and equipment from the State Capitol to the "State House," accomplishment of all interior demolition at the "State House" before the general contractor began work, and fabrication and installation of the millwork used, including the House and Senate Chambers furniture; and

WHEREAS, this contribution saved the State of Alabama many thousands of dollars; and

WHEREAS, such work is of positive benefit to this state and aids in the rehabilitation of offenders and is to be encouraged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend

Commissioner Fred Smith, the Alabama Department of Corrections and its Correctional Industries Division, and those inmates who labored diligently in this effort.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Commissioner Fred Smith.

On motion of Rep. Junkins, the rules were suspended and the resolution, H. J. R. 152, was adopted.

Also:

By Rep. Junkins:

H. J. R. 153. CONGRATULATING MR. AND MRS. E. K. BOWERS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary celebration on January 5, 1986, of Mr. and Mrs. E. K. Bowers of Gadsden, Alabama; and

WHEREAS, joined in wedlock in 1936, these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Bowers were honored by their five children, eleven grandchildren and two great grandchildren, along with other family and friends, at a gala reception on January 5, 1986, at East Gadsden Church of Christ; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Etowah County, Alabama, Mr. and Mrs. E. K. Bowers and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Bowers that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Junkins, the rules were suspended and the resolution, H. J. R 153, was adopted.

Also:

By Reps. Richardson and Hall:

H. J. R. 154. COMMENDING THE SCOTTSBORO HIGH SCHOOL CHEERLEADERS FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates the Scottsboro High School Cheerleaders as second place winners in the 1985 National Cheerleaders Association's National Competition in Orlando, Florida, against 100 squads from 47 states; and

WHEREAS, under the talented direction and leadership of Sponsor Betty Essilinger, the Scottsboro cheerleaders became eligible to participate in the Nationals by winning first place at Jacksonville State University competing with squads from 45 schools; and

WHEREAS, sharing the credit and glory of such a high national ranking are cheerleaders Melissa Baggett, Lisa Black, Lori Britt (Head Cheerleader), Kim Denson, Carmen Frazier, Jamie Garner, Frances Gay, Sheri Hicks, Terri Hicks, Sarah Kellenberger, Melissa Moore, Lisa Saint, Angie Spain and Andrea Sparkman, all of whom maintain at least a "B" average scholastically, with four of the squad belonging to the National Honor Society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we hereby most heartily congratulate the Scottsboro High School Cheerleader Team for outstanding achievement and direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 154, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Coleman, Junkins, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 155. WISHING OUR FRIEND AND COLLEAGUE, REPRESENTATIVE MAX NEWMAN, A SPEEDY RECOVERY.

Also:

The following resolution was introduced:

By Reps. Mikell, McKee and Starr:

H. J. R. 156. CONGRATULATING MR. AND MRS. PERRY O. HOOPER, JR., ON THE BIRTH OF THEIR SON, THOMAS CLEMENT.

WHEREAS, it is with great personal pleasure that the Alabama Legislature records the birth of Thomas Clement Hooper, born September 23, 1985, to Judy and Perry O. Hooper, Jr., of Montgomery, Alabama; and

WHEREAS, young Thomas Clement, who is of course the son of our good friend and colleague, Representative Perry Hooper, and his wife, Judy, joins his big brother, Perry O. Hooper, III, as a Young Republican in the truest sense of the word; and

WHEREAS, we are delighted, however, to face this risk of a growing GOP in Alabama and rejoice with Judy and Perry in the birth of their second son; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate our good friends, Judy and Perry Hooper, and young Perry III, as they welcome their family's newest member, Thomas Clement Hooper.

BE IT RESOLVED FURTHER, That a copy of this resolution be forwarded to Judy and Perry Hooper, with a copy also provided for Thomas Clement that he may later know of the sincere pleasure we shared with his parents and family on the occasion of his birth.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 156, was adopted.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution relating to H. B. 158, was adopted.

Yeas 27; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Brooks, Bugg, Clark (D), Clark (W), Dutton, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Hooper, Kennedy, Lindsey, Mikell, Onderdonk, Rice, Sasser, Starkey, Turner, Venable, Warren and White (F).

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 158. To authorize and empower the governing body of Washington County, Alabama, to levy and collect special county privilege and license taxes and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, distribution and use of the proceeds from such taxes as may be levied by the said governing body; to provide for the enforcement of this act by the state department of revenue and to provide for an advisory referendum election to determine whether the qualified electors of said county approve or disapprove of the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (JL), Carothers, Clark (D), Clark (W), Crow, Dutton,

Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (RW), Lindsey, Marietta, Mathis, Mikell, Onderdonk, Parker, Poole, Rice, Richardson, Sasser, Smith, Starkey, Turner, Venable, White (F) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution relating to H. B. 264, was adopted.

Yeas 38; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blakeney, Box, Brakefield, Brooks, Browder, Buskey (JE), Buskey (JL), Clark (D), Crow, Dutton, Flowers, Gaston, Goodwin, Grouby, Holley, Holmes, Johnson (RW), Kennedy, Kvalheim, Lindsey, Mikell, Onderdonk, Parker, Poole, Rice, Richardson, Sasser, Smith, Starkey, Starr, Trammell, Turner, Venable, White (F) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 264. Relating to Washington County; amending Act No. 39, H. 185, 1965 Regular Session, (Acts 1965, p. 57), which provides for the compensation of the members of the board of registrars, so as to provide further for said compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Brooks, Browder, Bryant, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Crow, Dutton, Gaston, Goodwin, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Mathis, Mikell, Onderdonk, Parker, Poole, Rice, Smith Starkey, Starr, Trammell, Venable, White (F) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson, Budget Isolation Resolution relating to H. B. 248, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JL), Clark (D), Coburn, Coleman, Crow, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Holmes, Johnson (RW), Kennedy, Lauderdale, Lindsey, Marietta, Mathis, Mikell, Onderdonk, Parker, Poole, Rice, Smith, Starkey, Thomas, Trammell, Turner, Venable, White (F) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 248. (With Amendment): Relating to selling and redemming lands for taxes in Jackson County, Alabama.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 248, page 1 in the Title, line 13, after the word "and" by striking ~~redemming~~ and inserting in lieu thereof the following: redeeming

And the amendment was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JL), Clark (D), Coburn, Crow, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Holley, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, Mikell, Onderdonk, Parker, Poole, Rice, Richardson, Sasser, Smith, Starkey, Thomas, Trammell, Turner, Venable, White (F) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 248. Relating to selling and redeeming lands for taxes in Jackson County, Alabama.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey (JL), Carothers, Clark (D), Coburn, Crow, Dutton, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, Mikell, Onderdonk, Parker, Poole, Preuitt, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Trammell, Budget Isolation Resolution relating to H. B. 89, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey (JE), Buskey (JL), Carothers, Clark (D), Clark (W), Coburn, Crow, Davis, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Harvey, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, McKee, Onderdonk, Parker, Payne, Poole, Pratt, Preuitt, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, White (G) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 89. Relating to Jefferson County; prohibiting private ownership and operation of landfills for garbage dump purposes in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Flowers, Ford, Gaston, Goodwin,

Hall, Holmes, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, Onderdonk, Parker, Payne, Poole, Pratt, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gray, Budget Isolation Resolution relating to H. B. 212, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey (JE), Carothers, Clark (D), Clark (W), Coburn, Crow, Dutton, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Harvey, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Onderdonk, Parker, Payne, Poole, Pratt, Richardson, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—53

And the bill:

H. 212. (With Amendment): Relating to Class 1 municipalities; providing for minimum monthly benefits to certain retired persons or beneficiaries of employees who participate in a retirement system pursuant to Act No. 929, S. 676, 1951 Regular Session (Acts 1951, p. 1579).

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 212, on page 2, Section 3, by striking lines 2 and 3, and inserting in lieu thereof the following:

"to a three percent (3%) increase for the first calendar year after this law becomes effective"

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Bowling Box, Brakefield, Browder, Buskey (JE), Buskey (JL), Clark (W), Coburn, Crow, Dutton, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Harvey, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, McKee, Mikell, Parker, Payne, Poole, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Venable, White (F), White (G) and Zoghby.

—53

And the bill, H. 212 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Boles, Bowling, Box, Browder, Bugg, Buskey (JE), Clark (W), Coburn, Crow, Dutton, Flowers, Gaston, Goodwin, Grouby, Hall, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, McKee, Parker, Payne, Pratt, Rice, Richardson, Smith, Starr, Tanner, Thomas, Trammell, Venable, White (F), White (G) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution relating to H. B. 267, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (D), Clark (W), Coburn, Crow, Dutton, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, McKee, Mikell, Onderdonk, Parker, Penry, Poole, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 267. Relating to the City of Mobile; to provide for the disclosure of campaign contributions for candidates of city government.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey (JE), Butler, Clark (D), Clark (W), Coburn, Crow, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, McKee,

McMillan, Mikell, Parker, Penry, Pratt, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable and Zoghby.

—47

Nay: Rep. Harper. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Kvalheim, Budget Isolation Resolution relating to H. B. 295, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Clark (D), Clark (W), Coburn, Crow, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Holley, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, McKee, Mikell, Parker, Poole, Pratt, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 295. Relating to Mobile County; providing for a singular appropriation, in addition to any and all other appropriations, to the Azalea Trail Festival, Inc., from funds received by the county for the City of Mobile, for the fiscal year ending September 30, 1986, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Clark (D), Clark (W), Coburn, Crow, Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, McKee, McMillan, Mikell, Onderdonk, Parker,

Penry, Poole, Preuitt, Rains, Rice, Richardson, Smith, Starkey, Starr, Tanner, Thomas, Turner, Venable and Zoghby.

—54

And the bill:

H. 29. To provide for the "Alabama Safety Belt Use Act of 1986"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

Which was taken up on the sixth legislative day with pending amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. B. 29 on Page 2, Section 4(b), after line 19, by adding the following subsection:

(6) Newspaper carriers while delivering newspapers house to house.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary to the bill, H. 29.

MOTION TO TABLE LOST

The motion offered by Rep. Box to table the amendment reported by the Standing Committee on Judiciary to the bill, H. 29, was lost.

Yeas 21; Nays 47.

Yeas:

Mr. Speaker, Adams, Beasley, Bowling, Box, Britnell, Brooks, Bryant, Campbell, Clark (J), Coleman, Cosby, Harper, Lauderdale, Marietta, McMillan, Parker, Penry, Smith, Starkey and Thomas.

—21

Nays:

Reps. Beers, Biddle, Blake, Blakeney, Boles, Brakefield, Burke, Butler, Crow, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Holley, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Martin, Mathis, McDowell, McKee, McNair, Mikell, Onderdonk, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Starr, Trammell, Turner, Turnham, Venable, Warren and White (L).

—47

SUBSTITUTE AMENDMENT OFFERED

Rep. Johnson (RW) offered the following substitute amendment to the amendment reported by the Standing Committee on Judiciary to the bill, H. 29:

Amend H. B. 29 on Page 2, Section 4(b), after line 19, by adding the following subsection:

(6) Newspaper carriers while delivering newspapers house to house and all other drivers who are using their automobiles in the course of their

employment which requires them to frequently leave and re-enter their automobile or trucks or vans; such as utility meter readers, insurance employees, and other employees similarly situated, including all farm trucks and equipment.

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 55; Nays 13.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Carothers, Carter, Clark (D), Clark (W), Coburn, Crow, Dutton, Faulk, Ford, Gaston, Goodwin, Hall, Harper, Harvey, Holley, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, Poole, Preuitt, Rains, Rice, Sasser, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—55

Nays:

Reps. Adams, Bachus, Box, Campbell, Clark (J), Coleman, Cosby, Hettinger, Junkins, Marietta, Parker, Tanner and Thomas.

—13

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 40. MOURNING THE DEATH OF JOHN R. SPARKS OF CULLMAN COUNTY, ALABAMA.

Also:

H. J. R. 42. COMMENDING CULLMAN HIGH SCHOOL ON ITS OUTSTANDING 1985 FOOTBALL SEASON.

Also:

H. J. R. 44. CONGRATULATING HANCEVILLE HIGH SCHOOL, 1985 4A AREA 13 FOOTBALL CHAMPIONS.

Also:

H. J. R. 46. COMMENDING WILLIAM HUGH SHELTON OF CULLMAN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 48. COMMENDING DR. IRA L. MYERS FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 50. COMMENDING THE VINEMONT HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1985 FOOTBALL SEASON.

Also:

H. J. R. 52. COMMENDING THE GOOD HOPE HIGH SCHOOL VOLLEYBALL "A" TEAM.

Also:

H. J. R. 54. COMMENDING WEST POINT HIGH SCHOOL ON ITS OUTSTANDING 1985 FOOTBALL SEASON.

Also:

H. J. R. 66. COMMENDING BOBBYE M. BONHAM FOR HER LONG AND ABLE SERVICE IN THE FIELD OF PUBLIC EDUCATION AND WISHING HER A HAPPY RETIREMENT.

Also:

H. J. R. 68. COMMENDING WILLIAM C. MORRIS OF MOBILE, RENOWNED ARTIST AND COMMUNITY LEADER.

Also:

H. J. R. 69. COMMENDING MARGARET SOLBERGER OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 70. COMMENDING KATHRYN TUCKER WINDHAM OF SELMA, ALABAMA, RECIPIENT OF THE 1985 "LIVING FOR AMERICA" AWARD.

Also:

H. J. R. 71. COMMENDING THE EDGEWOOD JUNIOR GARDENERS OF EDGEWOOD ELEMENTARY SCHOOL, SELMA, ALABAMA.

Also:

H. J. R. 72. COMMENDING THE SAND ROCK HIGH SCHOOL WILDCATS, STATE 1A FOOTBALL CHAMPIONS FOR 1985.

Also:

H. J. R. 73. CONGRATULATING BARRY S. COCHRAN, EXECUTIVE DIRECTOR OF BAPTIST MEDICAL CENTER CHEROKEE.

Also:

H. J. R. 81. COMMENDING CAROLYN VEASY OF GADSDEN, ALABAMA, MISS ALABAMA STATE UNIVERSITY 1984-85.

Also:

H. J. R. 82. HONORING MAURICE DEAN OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 83. COMMENDING CLARENCE W. DAUGETTE OF GADSDEN, ALABAMA, AS ETOWAH COUNTY'S PATRIOT OF THE YEAR.

Also:

H. J. R. 85. HONORING SELMA, ALABAMA'S, DIAMOND, THE "GREAT AMERICAN DOG."

Also:

H. J. R. 86. COMMENDING GAIL OGLE OF SELMA, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT.

Also:

H. J. R. 87. WISHING OUR FRIEND AND COLLEAGUE, REPRESENTATIVE SONNY MOORE, A SPEEDY RECOVERY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 93. COMMENDING CHARLES G. MUNDEN OF MOBILE, ALABAMA, ENGINEER OF THE YEAR FOR PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE.

Also:

H. J. R. 94. COMMENDING JOSEPH NIGOTA OF MOBILE, ALABAMA, 1985 UNIVERSITY OF SOUTH ALABAMA PROFESSOR OF THE YEAR.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO ADJOURN LOST

The motion offered by Rep. Buskey (James) that the House adjourn until 10:00 o'clock a.m., Thursday, February 6, 1986, was lost.

Yeas 33; Nays 34.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Brakefield, Bryant, Buskey (JE), Clark (D), Clark (W), Dutton, Ford, Goodwin, Hammett, Harvey, Holmes, Hooper, Johnson (RG), Kennedy, Lindsey, McDowell, McNair, Perdue, Poole, Rains, Rice, Sasser, Starkey, Turner, Turnham and White (L).

—33

Nays:

Mr. Speaker, Albright, Bachus, Box, Britnell, Brooks, Burke, Butler, Campbell, Clark (J), Coleman, Gaston, Grouby, Harper, Hettinger, Holley, Johnson (RW), Junkins, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Parker, Penry, Smith, Tanner, Thomas, Trammell, Venable, White (G) and Zoghby.

—34

NOTICE IN WRITING

Rep. Hammett filed the following Notice in Writing:

Notice is hereby given in accordance with House Rules that on the next legislative day a motion will be made that the House adopt the following new House Rule 74:

Rule 74. The chairman of any house standing committee shall give written notice to the members of any such committee of any meeting at least four hours prior to the meeting, and such notice shall include a listing by number and title of the bills to be considered at said meeting.

H. 29 RESUMED

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 29 as amended:

Amend H. B. 29, page 2, Section 5, line 21, after the period by adding the following language:

The violation of the provisions of this act shall not constitute probable cause for the search of the vehicle involved.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim,

Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, McNair, Parker, Penry, Poole, Rice, Rogers, Sasser, Smith, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—63

Nay: Rep. Junkins. —1

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 29 as amended:

Amend H. B. 29 on page 2, by adding a new Section 4 as follows:

Section 4. All passenger cars sold in the State after the effective date of this act will be equipped with indicators on the front, rear and both sides that illuminate when all occupants in the front seat are wearing seat belts.

And by renumbering subsequent Sections.

AMENDMENT TABLED

On motion of Rep. Box, the amendment offered by Rep. Hettinger to the bill, H. 29 as amended, was tabled.

Yeas 35; Nays 23.

Yeas:

Mr. Speaker, Adams, Bachus, Bowling, Box, Britnell, Brooks, Bryant, Burke, Clark (D), Clark (J), Coleman, Crow, Gaston, Harper, Holley, Holmes, Johnson (RW), Junkins, Kvalheim, Lauderdale, Marietta, Martin, McMillan, Mikell, Onderdonk, Parker, Penry, Pratt, Rice, Starkey, Turner, White (F), White (G) and Zoghby.

—35

Nays:

Reps. Beasley, Blake, Blakeney, Brakefield, Carter, Dutton, Faulk, Goodwin, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Lindsey, McKee, Poole, Rains, Richardson, Sasser, Trammell, Venable and White (L).

—23

MOTION TO ADJOURN LOST

The motion offered by Rep. White (F) that the House adjourn until 10:00 o'clock a.m., Thursday, February 6, 1986, was lost.

Yeas 40; Nays 42.

Yeas:

Reps. Adams, Beers, Biddle, Black, Blake, Blakeney, Brakefield, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Crow, Davis, Flowers, Ford, Goodwin, Grayson, Hall, Holmes, Johnson (RG), Kennedy, Laird, Lindsey, Mathis, McNair, Mikell, Penry, Perdue, Rains, Rice, Rogers, Sasser, Starkey, Thomas, Trammell, Turnham, Warren, White (F) and White (L).

—40

Nays:

Mr. Speaker, Bachus, Beasley, Box, Brooks, Browder, Bryant, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Dutton, Faulk, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RW), Junkins, Kvalheim, Lauderdale, Marietta, Martin, McKee, McMillan, Onderdonk, Parker, Poole, Pratt, Richardson, Starr, Tanner, Turner, Venable, White (G) and Zoghby.

—42

H. 29 RESUMED

SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the bill, H. 29 as amended:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, as amended, relating to requiring certain front seat occupants of passenger cars to wear safety seat belts.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

The legislature finds that it is the policy of the state of Alabama that all precautionary measures be taken to save the lives of the state's citizens from vehicle accidents and thereby, to preserve the most valuable resource of the state.

(a) Each front seat occupant of a passenger car manufactured with safety belts in compliance with Federal Motor Vehicle Safety Standard No. 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion.

(b) The provisions of subsection (a) of this amendment shall not apply to:

(1) A child passenger using a child passenger restraint system pursuant to Section 32-5-222, Code of Alabama 1975.

(2) An occupant of a passenger car who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt.

(3) A rural letter carrier of the United States Postal Service while performing his duties as a rural letter carrier.

(4) Passengers in a passenger car with a model year prior to 1965.

(5) Passengers in motor vehicles which normally operate in reverse.

Any person violating the provisions of this amendment may be fined up to $10.00.

Failure to wear a safety belt in violation of this amendment shall not be considered evidence of contributory negligence and shall not limit the liability of an insurer.

The period from the effective date of this amendment until twelve months thereafter shall be a warning period in which persons who violate the provisions of this amendment shall be issued a warning citation by the proper law enforcement officer, but no monetary fine shall be assessed against the offender. At the conclusion of the said warning period all provisions of this amendment shall be in full force and effect.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this act shall be effective immediately upon ratification by the people and the Governor thereafter shall proclaim this amendment as required by law.

MOTION TO TABLE

Rep. Box offered the motion to table the substitute offered by Rep. Biddle to the bill, H. 29 as amended.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Buskey (James):

H. R. 157. COMMENDING JROTC CADET EARL A. ADAMS, OF WILLIAMSON HIGH SCHOOL IN MOBILE, FOR OUTSTANDING HEROISM.

ADJOURNMENT

On motion of Rep. Rice and pursuant to the motion heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 6, 1986.

Yeas 47; Nays 44.

Yeas:

Reps. Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Boles, Brakefield, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Coburn, Crow, Davis, Faulk, Flowers, Ford, Goodwin, Grayson, Hall, Hammett, Holmes,

Hooper, Johnson (RG), Kennedy, Mathis, McDowell, Mikell, Newton, Payne, Penry, Perdue, Rains, Reed, Rice, Rogers, Sasser, Spratt, Starkey, Thomas, Trammell, Turnham, Warren, White (F) and White (L).

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Nays:

Mr. Speaker, Bachus, Biddle, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Dutton, Gaston, Grouby, Harper, Harvey, Hettinger, Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, McKee, McMillan, McNair, Nicholson, Onderdonk, Parker, Poole, Pratt, Richardson, Smith, Starr, Turner, White (G) and Zoghby.

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EIGHTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 6, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend H. T. Karn, Jr., Director of Missions, Chilton-Unity Baptist Association, Clanton, Ala.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Davis, leave of absence was granted for Reps. Melton and Newton.

At the request of Rep. Johnson (RW), leave of absence was granted for Reps. Mitchell, Moore and Newman.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 3:00 o'clock p.m., Wednesday, February 12, 1986.

LEAVE OF ABSENCE

At the request of Rep. Biddle, leave of absence was granted for Rep. Seibels.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the Joint Rules of the Two Houses of the Legislature of Alabama as follows:

Amend the Joint Rules by striking Rule 14 and substituting a new Rule 14 to read as follows:

Rule 14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon. This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Cooley, Drinkard, Mitchem, Smith (J), Hilliard, Teague, Horn, Holmes, Bedford, Dial, Covington, Corbett, deGraffenried, Parsons, Dixon, Bedsole, Aldridge, Cabaniss, Goodwin, Menton, Foshee, Bennett, and Amari:

S. 89. Relating to banks, banking and branch banking which: amends Title 5 of the Alabama Code of 1975 by adding Chapter 13A so as to create the "Alabama Regional Reciprocal Banking Act of 1986"; provides definitions; authorizes any bank holding company whose principal place of business is in any one of certain jurisdictions to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; requires divestiture in certain circumstances; provides applicable law and for regulatory supervision and enforcement authority; provides for application fees; provides for severability of provisions; restricts amendment of §5-5A-20, Code of Alabama, 1975; and provides an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 89 Banking.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 377. (With Substitute): To provide conditional appropriations of $9,267,400 to certain state agencies for the fiscal year ending September 30, 1986.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 228. (With Amendment): To amend S 40-21-58 of the Code of Alabama to further define the term telephone business.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 57. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

H. 366. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into

the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

H. 88. To amend Section 16-13-58, Code of Alabama 1975, which provides for the State Board of Education to determine the amount of funds needed by each county and city from the Minimum Program Fund, so as to provide that the full cost of the Minimum Program be paid.

H. 414. To create the Dietetic/Nutrition Licensing Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation; exemptions, reciprocity, and penalties.

H. 53. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Shelby County and having its city hall or municipal headquarters located outside of the boundaries of Shelby County from annexing any future territory in Shelby County without prior referendum approval of a majority of the qualified electors of Shelby County; and providing for such referendum elections.

The above bill was read a second time at length as required by the Constitution.

H. 171. To amend Sections 12-15-1, 12-15-30(2) and 12-15-33(b), Code of Alabama 1975, so as to exclude from the definition of delinquent act any conservation offense committed by a child 16 years of age or older; to provide that the district court may transfer such proceedings to the juvenile court for adjudication as an act of delinquency; and, to provide the juvenile courts with original jurisdiction if such cases are transferred to them by the district court.

H. 284. To amend section 32-1-4, Code of Alabama 1975, to provide that custodial arrest is authorized for certain traffic offenders in order to assure that sufficient bond is given and to delete the provision requiring an immediate hearing upon demand by the offender.

H. 71. Relating to the practice of veterinary medicine and surgery in Alabama; to provide for the issuance, suspension, revocation and renewal of licenses for persons admitted to or engaged in the practice of veterinary medicine as a veterinarian or veterinary technician; to create the Alabama State Board of Veterinary Medicine to administer the act; to provide for its organization, officers, jurisdiction, powers and duties; to provide for certain inspections of facilities and the issuance of premise permits; to provide for hearings and appeals; to impose fees and charges and provide for the use of such; to prescribe penalties; and to repeal conflicting laws and to specifically repeal Sections 34-29-1 through 34-29-6, 34-29-20 through 34-29-23 and 34-29-40 through 34-29-46 of the Code of Alabama 1975.

H. 349. Relating to the regulation of the production of oil and gas in this State; to amend Sections 9-17-1 and 40-20-1, Code of Alabama 1975, to define oil and gas terms, to amend Section 9-17-6, Code of Alabama 1975, relating to the powers and duties of the State Oil and Gas Board; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend Section 9-17-12 and Section 9-17-13, Code of Alabama 1975, to eliminate the requirement that the State Oil and Gas Board shall settle disputes relative to well costs; to amend Section 9-17-24, Code of Alabama 1975, to provide for the collection of application fees and to establish the Alabama State Oil and

Gas Board Special Fund; to amend Section 9-17-32, Code of Alabama 1975, to provide for fines for violations of the rules, regulations, or orders of the State Oil and Gas Board.

H. 372. Relating to civil liability for selling or furnishing alcoholic beverages unlawfully to provide liability only for selling, giving or otherwise disposing of alcoholic beverages directly to a minor or in an unlawful manner directly to a person causing intoxication; to limit exemplary damages to willful or wanton acts; to define vendor; to provide liability for sales by the vendor itself or by or through its agents, servants and employees; to amend Code of Alabama 1975, §§ 6-5-70 and 6-5-71; and to repeal all laws or parts of laws in conflict herewith.

H. 292. To amend Section 15-21-8, Code of Alabama 1975, which provides for writs of habeas corpus to be granted without delay, so as to provide certain exceptions.

H. 299. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of record and the establishment and abolition of branch courthouses and divisions of circuit court, so as to provide that habeas corpus and coram nobis proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 444. To propose an amendment to the Constitution of Alabama of 1901 to establish a State Elected Officials Regulatory Commission which shall be authorized to establish the salaries, expense allowances, retirement plans or other compensation of certain elected officers of the state of Alabama; to establish Ethics Committees in both houses of the legislature which shall hear complaints, recommend censure or removal from office and require disclosure of campaign contributions for legislative candidates; to provide that the legislature may establish retirement plans for other elected officers; to provide for an election thereon and to repeal Section 98 of the Constitution of Alabama of 1901 which prohibits certain retirement.

The above bill was read a second time at length as required by the Constitution.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 273. (With Amendment): To amend Section 16-36-2 and 13A-14-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee and to require open meetings.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 436. To amend Section 32-6-272, Code of Alabama 1975, so as to permit firemen to receive more than one distinctive license plate and to provide for the fees for said plates and decals.

H. 402. To amend Section 34-27-36 of the Code of Alabama 1975, relating to the regulation of real estate companies, brokers, and salesmen, so as to repeal certain restrictions against using prizes, gifts, etc., to secure customers or clients.

H. 279. To provide that upon resolution of any county commission the alcoholic beverage control board shall audit or audit and collect local alcoholic beverage taxes for such county.

H. 458. To require that any bill introduced in the legislature which attempts to annex territory to a municipality or otherwise change the boundary lines of any municipality shall contain an accurate description of the territory to be annexed or removed from such municipality along with a map of such territory attached; to provide that a copy of such map be filed with the judge of probate of the county or counties where such territory is located and to require that any publication of notice of intent to apply for a local law annexing territory to a municipality or otherwise changing the boundary lines of any municipality shall state that a copy of such map is on file in the office of the probate judge and open to inspection by the public.

H. 450. To amend Act 85-650 by repealing section 2 thereof as it affects rebuilding of motor vehicles, and to leave the remainder of said sections in full force.

H. 439. Changing the name of the department of pensions and securities to the "Alabama state department of human resources" and providing for the efficient replacement of certain supplies used by such department.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 198. (With Substitute): To regulate the sale of pre-need funeral contracts in this State; to prohibit the use of such pre-need funeral contracts except upon compliance with the provisions hereof; to provide for the depositing of at least 90% of the proceeds received by an issuer (as defined in this act) from a contract purchaser (as defined in this act) to be held in trust; to provide for the issuance by the state superintendent of banks of a certificate of authority to sell pre-need funeral contracts and to provide for renewal of that certificate; to provide for the disposition of funds upon the death of the beneficiary or upon breach of the pre-need funeral contract by the issuer and in certain other events; to provide for the keeping of books and records by issuers pertaining to pre-need funeral contracts; to provide for the establishment of the Pre-need Funeral Contract Board; to provide for the inspection by the state superintendent of banks of such books and records; to provide an effective date; and to prescribe the penalty for violation of this act.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 305. (With Substitute): To require boards of education to defend school principals, members of the administrative and supervisory staffs and teachers whenever civil action has been brought against such persons for acts of willful neglect of duty, in the performance of duties within the policies of the board.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 350. To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by reinforcing existing surface mining laws and water quality standards in and near the river; to regulate certain alterations and impoundments of the river; to establish a management corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources; to require permission or approval of the landowner; and to prescribe remedies and penalties for violation of the act.

H. 375. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of roads, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty shall hunt from any public road; and to provide penalties for violation thereof.

H. 473. To provide the State Department of Education the authority to enter into contracts for periods not greater than three years for the storage and distribution of the United States Department of Agriculture Commodities.

Reps. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 278. Relating to Calhoun County; providing for an increase in salary for the part-time bailiffs of said county.

H. 320. Relating to the Second Judicial Circuit; the District Attorney shall have the authority to have the investigator and other employees of his office to assist him in the presence of the grand jury except when said jury is deliberating.

H. 321. To amend Act No. 185, S. 91, 1975 Regular Session, which provides for an expense allowance for the circuit court reporter of the Second Judicial Circuit, so as to provide further for said expense allowance.

H. 357. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, as amended by Act No. 631, H. 410, of the 1983 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 413. (With Amendment): Proposing an amendment to the Constitution of 1901, authorizing and enabling the governing body of the City of Jackson, Clarke County, Alabama, to declare the need for the formation of a public corporation to carry out the provisions of the act and to function as a port authority, and to cause same to be organized; providing for its powers and duties; repealing conflicting provisions of this Constitution, 1901.

The above bill was read a second time at length as required by the Constitution.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 365. Relating to Mobile County; to amend further Section 5 of Act No. 242, S. B. 79, 1876 of the general assembly approved February 15, 1876 which regulates public schools in the County, as last amended by Act No. 480 S. 485, 1969 Regular Session (Acts 1969, p. 937) which relates to the county board of education.

H. 374. To provide a supplement to the salary of the district attorney in the Thirteenth Judicial Circuit; and further providing that this act shall have retroactive effect.

H. 398. Relating to Mobile County; to exempt certain property owned by qualified parading Mardi Gras societies from all county, local and municipal ad valorem taxes; and to provide an effective date.

H. 427. To require the Mobile Board of School Commissioners of Mobile County to make available on or before the first day of the school year the full appropriation for instructional supplies as set for in the Education Budget for the fiscal year of the year school begins and to require certain timelines to be followed in securing said instructional supplies for the classroom following orders submitted by the individual teacher.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 478. (With Amendment): To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special Session of 1964 (Acts 1964, p. 326) as amended, which provides for the establishment and operation of pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for: the qualifications for membership in such system; a financial consultant for such system; the composition, powers and duties of the board of directors of such system; a full-time secretary for such system; prohibiting the garnishment of pension funds; eligibility and participation; procedures for reimbursement from the city for certain pensions relating to work related disabilities; computing certain pensions; allowances to surviving spouses; the transition of duties

and responsibilities between the City of Mobile and the Board; the procedure on appeal from a decision of the Board; certain options in electing benefits under such system; cost-of-living increases in pensions under such system and to specifically repeal Sections 15 relating to certain retirement procedures, and 22 relating to the option of non-membership of said act.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Biddle:

H. 489. Relating to the board of examiners of nursing home administrators; to amend sections 34-20-2, 34-20-9 and 34-20-13 of the Code of Alabama 1975, so as to further provide for the fees of the board.

Committee on Health.

By Rep. Trammell (With Notice and Proof):

H. 490. Relating to Jefferson County; to amend Section 13(e) of Act 497 of the Regular Session of the Legislature of Alabama of 1965 as amended by Act No. 81-1060 of the Second Special Session of the Legislature of Alabama of 1981 to provide that the term "another pension system" as used herein shall mean a pension system established by or under a law of the State of Alabama for public officers or public employees other than the pension system established by this Act and which proscribes or otherwise does not allow for voluntary withdrawal by the members thereof; to authorize the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to authorize former members of the Pension System who withdraw from the Pension System under the authority provided by Section 13(e) of Act No. 497 of the Regular Session of the Legislature of Alabama as amended by Act No. 81-1060 of the Second Special Session of the Legislature of Alabama of 1981 a one-time opportunity to rejoin the Pension System as a new member and without credit for any previous paid time or previous unpaid time in the Pension System.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 490, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L):

H. 491. To amend Section 12-13-70, Code of Alabama 1975, which relates to supernumerary probate judges, so as to allow a person to transfer and combine service credit as a supernumerary tax assessor to service credit as a supernumerary probate judge if a person has at least 25 years total combined service, provided no person who so transfers shall be eligible for benefits until age 50.

Committee on Ways and Means.

By Rep. Nicholson:

H. 492. To reopen the Teachers' and Employees' Retirement Systems of Alabama for nonmembership service; to provide that as a prerequisite to

obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama, and to provide that this act shall take effect October 1, 1986, and to provide for its termination on October 1, 1987.

Committee on Ways and Means.

By Rep. Campbell:

H. 493. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchase money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed after the effective date of this act which is July 1, 1986. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

Committee on Judiciary.

By Rep. Campbell:

H. 494. To provide for the better enforcement of foreign judgments by adopting the Uniform Enforcement of Foreign Judgments Act. This Act will give such judgments the same force and effect as a judgment issued by a court in this state.

Committee on Judiciary.

By Rep. Campbell:

H. 495. To define and prohibit the operation of all-terrain vehicles on roadways in Alabama.

Committee on Judiciary.

By Rep. Campbell:

H. 496. To repeal §3-2-20, §3-2-21, §3-5-4, and §3-5-5 Code of Alabama 1975, to assimilate these sections into a new section and increase the fees for taking up livestock or animals upon the public lands, highways, streets, or roads in Alabama.

Committee on Judiciary.

By Rep. Campbell:

H. 497. To provide for minimum training standards for all law enforcement officers to operate radar speed measuring devices.

Committee on Judiciary.

By Rep. Britnell:

H. 498. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to increase the penalty for failure to maintain such records.

Committee on Judiciary.

By Reps. Starkey, Harper, and Gaston:

H. 499. To transfer the Alabama rapid rail transit commission from the department of economic and community affairs to the highway department.

Committee on Public Utilities and Transportation.

By Rep. Gray:

H. 500. Proposing an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide by local law for the consolidation of all local governmental entities in Jefferson County, Alabama, into a new consolidated body corporate for the purpose of governing the county, provided further that any proposed local enabling law must be approved by a majority of the electors effected voting at an election held for such purpose.

Committee on Local Government.

The above bill was read a first time at length as required by the Constitution.

By Reps. Gray, Boles, McDowell, Davis, McNair, Perdue, and Martin:

H. 501. Relating to secondary education; to require all high school students to attend and pass a driver education course before graduating from high school; and to provide for the authority of the state board of education to promulgate rules and regulations to carry out the provisions of this act.

Committee on Local Government.

By Reps. Gray, Newton, Spratt, and Perdue:

H. 502. To prohibit county school boards from refusing to admit as a student in county schools, or to furnish transportation for, any child residing within the county because of residence within a municipality, and to provide for tuition for such students.

Committee on Local Government.

By Reps. Davis and Kennedy:

H. 503. To amend Section 27-41-14, Code of Alabama 1975, which provides for investments of life, disability and burial insurance companies, so as to allow said companies to invest in the African Development Bank.

Committee on Insurance.

By Reps. Davis and Kennedy:

H. 504. To amend Section 19-3-120, Code of Alabama 1975, which provides for the classes of authorized investments, in which trustees, executors, administrators and other fiduciaries may invest, so as to include the African Development Bank within such classes of investments.

Committee on Insurance.

By Reps. Harper, Payne, Marietta, Harvey, Hall, Burke, Richardson, Brakefield, Johnson (RG), Faulk, Beasley, Mathis, Mikell, Gaston, McMillan, Box, Nicholson, Holley, Laird, Venable, Turner, Rains, Bugg, Junkins, and Lindsey:

H. 505. To provide that all telephone calls that originate and terminate in a particular county shall be charged as local calls; to provide that all costs

of such service be spread over the rate base of all telephone subscribers doing business with South Central Bell Telephone Company and all other telephone companies involved in any telephone system; and to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

Committee on Public Utilities and Transportation.

By Rep. Flowers:

H. 506. To amend Sections 27-10-20, 27-10-22, 27-10-24, 27-10-26, 27-10-31 and 27-10-35, Code of Alabama 1975, which relate to surplus line insurance, so as to provide for a premium tax on certain life and disability insurance placed with certain companies not licensed to do business in Alabama; to provide further for licensing of life and disability resident agents as surplus line brokers and for increasing the bond liability sum requirements of surplus line brokers; to amend policy endorsement requirement; to provide further for eligibility requirements of certain non-licensed insurers; to exclude brokers from payment of surplus line tax on coverage insuring governmental entities; to exempt governmental entities from payment of surplus line tax and to provide for an effective date.

Committee on Insurance.

By Rep. Pratt:

H. 507. To amend Section 40-18-19 of the Code of Alabama 1975 relating to income tax exemptions, so as to exempt the first $10,000.00 of payments made under private pension plans.

Committee on Ways and Means.

By Rep. Warren:

H. 508. To provide for a television set repairman lien and to provide for the enforcement of said lien.

Committee on State Administration.

By Rep. Pratt:

H. 509. To amend Section 15-10-2, Code of Alabama 1975, which relates to when an officer may execute arrest warrants and his authority to break and enter a dwelling, so as to provide that when an officer executes the warrant, he must make it known under what authority he is doing so.

Committee on Judiciary.

By Rep. McDowell:

H. 510. To provide that the state shall match certain funds raised by the Knights of Columbus in certain fund raising activities.

Committee on Ways and Means.

By Rep. Hettinger:

H. 511. To further define flotation device under certain circumstances for certain sailboarders or wind surfers, any law, rule or regulation to the contrary notwithstanding.

Committee on Natural Resources.

By Reps. Cosby, Hooper, Adams, White (L), Flowers, Johnson (RG), Preuitt, Laird, Box, Payne, Rice, Venable, Richardson, Tanner, Gaston, Harper, Kvalheim, McMillan, Beasley, and Carothers:

H. 512. Proposing an amendment to the Constitution of 1901, prohibiting deficit spending and relating to the major appropriation acts and the legislative process therefor; and providing for emergencies.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Albright, Grayson, Coburn, Drake, Browder, Perdue, Rogers, Spratt, Lauderdale, Dutton, Buskey (James), Clark (W), Box, Bryant, Nicholson, Brakefield, and Britnell:

H. 513. To amend Section 25-4-72 of the Code of Alabama (The Alabama Unemployment Compensation Law) as last amended, to provide an increase in weekly benefit amount to $140.00 effective for weeks of unemployment beginning on and after the first Sunday in July, 1986.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 514. To amend Act No. 85-921, H. 35, 1985 Second Special Session, which creates a licensing board to be known as the Alabama Board of Electrical Contractors, so as to provide further for the exemptions from licensing.

Committee on State Administration.

By Reps. Penry and McMillan:

H. 515. To amend Section 8-1-80 of the Code of Alabama 1975 relating to pawnbrokers, so as to grant any law enforcement officer authorization to recover stolen property from the pawnbroker upon the receipt of such proof; to provide a penalty on pawnbrokers for failure to keep a record book containing a description of all pledged merchandise available to the public during business hours.

Committee on Judiciary.

By Reps. Rogers, Grouby, Davis, McDowell, Trammell, Boles, Pratt, Clark (D), Reed, Gray, Browder, Grayson, Starkey, Perdue, Escott, Black, Harvey, Goodwin, Smith, Junkins, Coleman, Clark (J), Burke, Crow, Richardson, Cosby, Dutton, Martin, Bowling, Britnell, Nicholson, Poole, Hooper, Buskey (James), Clark (W), Marietta, Zoghby, Harper, Turner, Kennedy, Johnson (RW), Flowers, Blake, Rains, Preuitt, Sasser, Faulk, Mathis, Johnson (RG), Brakefield, Bryant, Blakeney, and Gaston:

H. 516. To amend Section 36-27-16 of the Code of Alabama 1975, so as to provide for retirement of an employee covered under the state employees' retirement system upon the attainment of the age of 55 years and 25 or more years of creditable service and to provide for an appropriate reduction in retirement annuity for each year of service less than 30.

Committee on Ways and Means.

By Rep. Boles:

H. 517. To grant all state prison employees who actually work in a prison facility a 10% hazardous duty pay.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 518. To amend Sections 5-19-1, 5-19-4, 5-19-10, and 5-19-20, Code of Alabama 1975, which relate to the regulation of extensions of credit, so as to exclude from the definition of "finance charge" premiums for insurance in lieu of perfecting a security interest and certain fees if bona fide and reasonable in amount in transactions secured by real property; to limit the maximum charge to the debtor for insurance to the authorized premiums permitted for such coverages.

Committee on Banking.

By Reps. Tanner, Browder, Smith, Marietta, Flowers, Laird, and Campbell:

H. 519. To amend Sections 15-23-3, 15-23-4, 15-23-5, 15-23-14, and 15-23-17, of the Code of Alabama, 1975 which relates to the Alabama Crime Victims Compensation Commission so as to provide for a new definition of the terms "criminally injurious conduct", "victim" and "collateral source", to provide that the required regular monthly meetings of the commission be on Thursday; to provide that governmental agencies provide statistical data to the commission; to provide that the commission may initiate litigation to protect its subrogation rights and to fulfill its duties and responsibilities; to provide the commission with access to law enforcement reports; to provide that those reports be privileged; to provide that the commission be subrogated to the rights of the victim when compensation is awarded; to provide that the commission be exempt from the payment of fees for recording restitution orders; to provide that the employees of the commission be under the Merit System Act; and to provide that victim compensation assessment fees be ordered in all felony cases.

Committee on Judiciary.

By Rep. Martin:

H. 520. To amend Section 11-94-1, Code of Alabama 1975, which relates to municipal-county port authorities, so as to authorize said port authorities to own, operate and finance office facilities for their own use or the use of certain other organizations, and amends Section 11-94-15, Code of Alabama 1975, which relates to liabilities of certain subdivisions of port authorities so as to provide that counties, municipalities, and public corporations may give certain financial aid to, and may otherwise cooperate with, municipal-county port authorities.

Committee on Local Government.

By Rep. Martin:

H. 521. To propose an amendment to the Constitution of Alabama of 1901 so as to authorize the governing body of Morgan County to levy and collect an additional special ad valorem property tax of not exceeding 4 mills, for a period of not exceeding twenty-five years, for certain purposes.

Committee on Local Government.

The above bill was read a first time at length as required by the Constitution.

LEAVE OF ABSENCE

At the request of Rep. Mikell, leave of absence was granted for Rep. Starr.

NOTICE IN WRITING

Rep. Hammett filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the House Rules to add a new Rule 50a to read as follows:

Rule 50a. The chairman of any house standing committee, except Rules, shall give written notice to the members of any such committee of any meeting at least four hours prior to the meeting, and such notice shall include a listing by number and title of the bills to be considered at said meeting. The effective date of this change shall be February 18, 1986.

RESOLUTIONS

The following resolution was introduced:

By Rep. Ford:

H. J. R. 158. EXTENDING THE LIFE AND REPORTING DATE OF THE LEGISLATIVE JOINT INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the life and reporting date of The Legislative Joint Interim Committee To Study The Steel Industry, created by Act 84-133, H. J. R. 3, 1984 Regular Session, are hereby extended to September 30, 1986. As of November 1, 1986, said committee shall be abolished.

The resolution, H. J. R. 158, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Perdue:

H. R. 159. CONGRATULATING EULA VERONICA DAVIS AS BIRMINGHAM SCHOOL SYSTEM'S ELEMENTARY TEACHER OF THE YEAR.

Also:

By Reps. Bugg, Junkins and Ford:

H. R. 160. COMMENDING MILDRED MARONA OF ETOWAH COUNTY, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

Also:

The following resolutions were introduced:

By Reps. Carter, Butler and Clark (D):

H. R. 161. URGING THE CITY OF DECATUR TO RESCIND THE RESOLUTION OF THE PROPOSED ANNEXATION OF PROPERTY IN LIMESTONE COUNTY.

WHEREAS, the governing body of the City of Decatur arbitrarily passed a resolution annexing certain property located in Limestone County within the limits of the city; and

WHEREAS, a copy of the resolution has been filed with the Judge of Probate of Limestone County and by state law, the Judge must within ten days order an election to be held by the qualified electors residing within the territory not less than twenty days nor more than forty days later; and

WHEREAS, the citizens and officials of Limestone County and the City of Athens were not apprised of the intentions of the City of Decatur and now desire time to analyze and evaluate the ramifications of the annexation by the City of Decatur; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we urge the City of Decatur to rescind the annexation resolution and allow a reasonable time for the citizens and officials of Limestone County and the City of Athens to become informed about the annexation.

On motion of Rep. Carter, the rules were suspended and the resolution, H. R. 161, was adopted.

Also:

By Reps. Carter, Butler and Clark (D):

H. J. R. 162. URGING THE CITY OF DECATUR TO RESCIND THE RESOLUTION OF THE PROPOSED ANNEXATION OF PROPERTY IN LIMESTONE COUNTY.

WHEREAS, the governing body of the City of Decatur arbitrarily passed a resolution annexing certain property located in Limestone County within the limits of the city; and

WHEREAS, a copy of the resolution has been filed with the Judge of Probate of Limestone County and by state law, the Judge must within ten days order an election to be held by the qualified electors residing within the territory not less than twenty days nor more than forty days later; and

WHEREAS, the citizens and officials of Limestone County and the City of Athens were not apprised of the intentions of the City of Decatur and now desire time to analyze and evaluate the ramifications of the annexation by the City of Decatur; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the City of Decatur to rescind the annexation resolution and allow a reasonable time for the citizens and officials of Limestone County and the City of Athens to become informed about the annexation.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 162, was adopted.

Also:

By Reps. Marietta, Turner, Box, Kennedy, Buskey (James), Zoghby, Clark (W), Gaston, Harper, Kvalheim, McMillan and Penry:

H. J. R. 163. MOURNING THE DEATH OF CHARLES CORBETT WIMBERLY OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Charles Corbett Wimberly of Mobile, Alabama, on January 26, 1986, at the age of 65 years; and

WHEREAS, a native and lifelong resident of Mobile, Mr. Wimberly was a veteran of the United States Marine Corps, who served on active duty and in combat in the South Pacific Theatre during World War II, and was a member of Our Lady of Lourdes parish where he formerly served as president of the school PTA and as president of the parish council; and

WHEREAS, a former businessman, and law enforcement officer, Mr. Wimberly retired in 1981 as chief deputy of the Mobile County Sheriff's Department, a position he had held since 1975 with special involvement in training deputies and in coaching the pistol team which won numerous awards and trophies; and

WHEREAS, Deputy Wimberly, during his distinguished law enforcement career also served with the Mobile Police Department, on two occasions, for a total tenure of some 24 years, retiring as a captain in charge of training; and

WHEREAS, he was a member of the board of directors of the Mobile County Police and Fire Fighters Pension Fund, a former member of the board of Alabama's Minimum Standards Commission for Accreditation, a charter member of the American Veteran's Association and a member, by appointment of the late Governor Lurleen Wallace, of the Governor's Commission on Pornography; and

WHEREAS, Charles Corbett Wimberly was indeed a much beloved member of his community and was deeply dedicated to his family, profession and church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Charles Corbett Wimberly of Mobile, Alabama, and extend our deepest sympathy to his wife, Mrs. Ruth A. Wimberly; his son, Charles C. Wimberly, Jr.; to his daughters, Cynthia Ann Jordan, Mary Melinda White and Amy Marie Alday; and other family members for whom a copy of this resolution shall be provided.

On motion of Rep. Marietta, the rules were suspended and the resolution, H. J. R. 163, was adopted.

Also:

By Reps. Buskey (James), Clark (W), Kennedy, Turner, Zoghby, Marietta, Harper and Gaston:

H. J. R. 164. COMMENDING JROTC CADET EARL A. ADAMS, OF WILLIAMSON HIGH SCHOOL IN MOBILE, FOR OUTSTANDING HEROISM.

WHEREAS, it is with extreme pleasure that the Legislature of the State of Alabama takes note of the fact that JROTC Cadet Adams was awarded the medal for heroism by the U.S. Department of the Army which is the highest award that can be given to a civilian cadet at the high school or college level in this country; and

WHEREAS, Cadet Adams was awarded the medal of heroism for his valorous actions on 31 March 1984 in Mobile, Alabama, on which date Mr.

Lonnie Walker, Cadet James Williams, Jr., and Cadet Earl A. Adams were repairing a truck when a fuel explosion occurred, causing Mr. Walker to be drenched with flaming fuel and to react by running; and

WHEREAS, Cadet Adams with total disregard for his own safety, tackled Mr. Walker and rolled him in the grass, thus putting out the burning clothes and fuel with his bare hands; Cadet Adams continued to take charge of the situation by shouting instructions to other people in the area and continuing to administer first aid to Mr. Walker; and

WHEREAS, he then placed Mr. Walker into a car for transportation to the local hospital and due to Cadet Adams' rapid responses, Mr. Walker was saved from a potentially fatal injury despite suffering second degree burns which covered 18% of his total body surface as well as an inhalation injury; and

WHEREAS, according to the director of the University of South Alabama Burn Center, without Cadet Adams' heroic actions, Mr. Walker more than likely would have died from his injury; Cadet Adams' valorous action will therefore shine continuously as an example for his fellow cadets, his community and everyone associated with the Junior Reserve Officer's Training Commission; and

WHEREAS, it is further to be noted that the Mobile County Board of Education, in February 1986, will award a medal to Cadet Adams for his act of heroism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the Mobile County Board of Education, the U. S. Department of the Army and all citizens of the State of Alabama in expressing highest commendation, for extraordinary courage and valor, to Earl A. Adams of Mobile, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Buskey (James), the rules were suspended and the resolution, H. J. R. 164, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 165. CONGRATULATING MR. AND MRS. WILLIAM CHESTER BOGGS ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 60th Wedding Anniversary, December 25, 1985, of Mr. and Mrs. William Chester Boggs; and

WHEREAS, in the sight of God, William Chester (Check) Boggs and Eunice May Bailey were joined in wedlock on Christmas Day, 1925, by and in the home of the Reverend Durham at Fyffe in DeKalb County, Alabama, and these two fine people, forsaking all others have remained in said Holy state for the past 60 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Check Boggs who attended public schools in Randolph County and holds a lifetime membership in the Masonic Lodge, and Eunice May Boggs who attended the DeKalb County schools, have both been members of Liberty Congregational Church for more than 50 years, and have farmed all their lives with the exception of the 20 years Mr. Boggs was employed by DeKalb County; and

WHEREAS, Mr. and Mrs. Boggs are the parents of five children and the grandparents of ten grandchildren and eleven great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. William Chester Boggs, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication to work and family and their love for each other.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Boggs that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 165, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 166. CONGRATULATING MR. AND MRS. WILLIAM CLARENCE PENLAND ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislatures notes with pleasure the Golden Wedding Anniversary, July 6, 1985, of Mr. and Mrs. William Clarence (W. C.) Penland; and

WHEREAS, in the sight of God, William Clarence Penland and Doris Monroe were joined in wedlock by and at the home of the Reverend Talley on July 6, 1935, in Oak Hill, DeKalb County, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, W. C. and Doris Penland, who are the parents of twins, and the grandparents of six grandchildren and seven great grandchildren, both attended public schools in DeKalb County and are lifetime church members, presently of the First United Methodist Church in Crossville; though Mr. Penland worked for 26 years at Public Works in Chattanooga, Tennessee, they have farmed most of their life in DeKalb County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple Mr. and Mrs. William Clarence Penland, and wish them many more happy years together in their union

blessed by God and their marriage of Christian dedication and morality, and mutual trust and love for each other; now therefore,

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. W. C. Penland that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 166, was adopted.

Also:

By Rep. Johnson (RG):

H. J. R. 167. COMMENDING JOSEPH B. MORTON, SYLACAUGA, ALABAMA.

WHEREAS, Joseph B. Morton has served as the Superintendent of Education, Sylacauga City School System since 1978, working to give the community a great sense of pride in its school system; and

WHEREAS, as superintendent Mr. Morton has encouraged students to set higher goals and to turn academic achievements into concrete results. Last year's 141 graduating seniors earned $293,000 worth of college scholarships; and

WHEREAS, he has a B. S. degree from Auburn University, M. A. degree and Ph. D. from the University of Alabama; and

WHEREAS, in 1972, he received the Outstanding Teacher Award, in 1976 was listed in the Who's Who of School District Officials, in 1981 was named one of the Outstanding Young Men of America and in 1986 was selected as one of the 100 Top School Executives in the United States; and

WHEREAS, Mr. Morton is active in the Sylacauga community where he is a member of the Board of Directors and past president of the Sylacauga Rotary Club; member of the South Talladega County Association for Retarded Citizens, Board of Directors and member of the Executive Committee of the Sylacauga Fine Arts Council, member of the Sylacauga Beautification Council and member and past president of the Sylacauga Chamber of Commerce; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joseph B. Morton is hereby commended for his efforts and achievements in educating and motivating the youth of our state.

BE IT FURTHER RESOLVED, That Mr. Morton receive a copy of this resolution as a token of our esteem.

On motion of Rep. Johnson (RG), the rules were suspended and the resolution, H. J. R. 167, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Mitchem:

S. J. R. 80. COMMENDING BLOUNT COUNTY SHERIFF J. C. CARR ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

By Senator Mitchem:

S. J. R. 81. DIRECTING THE DESIGNATION OF CERTAIN PROPERTIES OWNED BY THE STATE OF ALABAMA AS A WILDLIFE REFUGE AND THAT SAID PROPERTIES BE CEDED OVER TO GUNTERSVILLE STATE PARK FOR ADMINISTRATION AND PROTECTION.

Also:

By Senator Bishop:

S. J. R. 82. COMMENDING JUDGE ALTON M. BLANTON FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coleman, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 80 and S. J. R. 81, the titles of which are set out in the above and foregoing Message from the Senate.

On motion of Rep. Brakefield, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 82, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 248. Relating to selling and redeeming lands for taxes in Jackson County, Alabama.

JIMMY CLARK,
Chairman.

And the bill, H. 248 as engrossed was sent to the Senate.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. McNair, Budget Isolation Resolution relating to H. B. 403, was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Box, Britnell, Bryant, Butler, Carter, Clark (D), Dutton, Escott, Ford, Goodwin, Grayson, Grouby, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Lauderdale, Martin, McDowell, McMillan, McNair, Onderdonk, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Sasser, Spratt, Starkey, White (F), White (G), White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 403. To alter and rearrange the boundaries of the City of Birmingham to include within the corporate limits thereof all territory now within such corporate limits thereof and the territory lying within the corporate limits of the City of Roosevelt City including certain territory described by metes and bounds subject to approval of a majority of electors residing in said territory in an election provided for in the act, to provide for the transfer of assets, debts, existing contracts and employees of the City of Roosevelt City to the City of Birmingham as provided in Section 11-42-106, Code of Alabama 1975, should such annexation be approved, to repeal all laws or parts of laws in conflict herewith to the extent of such conflict, to make the provisions of the act severable, and to provide the effective date of the act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Bryant, Buskey (JE), Butler, Carter, Clark (D), Clark (W), Davis, Ford, Grayson, Grouby, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Lauderdale, Martin, McDowell, McMillan, McNair, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Rogers, Sasser, Spratt, White (F), White (G) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 34. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Also:

H. 201. Relating to Limestone County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge of Limestone County, Alabama, to have one general index book relative to transactions in the Probate Office of Limestone County and making the provisions retroactive to January 1, 1974.

Also:

H. 239. Relating to Fayette County; providing for an additional expense allowance for the county coroner.

McDOWELL LEE,
Secretary.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 29. To provide for the "Alabama Safety Belt Use Act of 1986"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

As amended and with pending substitute offered by Rep. Biddle on the seventh legislative day, was taken up.

SUBSTITUTE TABLED

On motion of Rep. Box, the substitute offered by Rep. Biddle to the bill, H. 29 as amended, was tabled.

Yeas 42; Nays 31.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JL), Campbell, Clark (J), Cosby, Crow, Dutton, Flowers, Gaston, Hall, Hammett, Harper, Hettinger, Holmes, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Nicholson, Poole, Rice, Richardson, Starkey, Tanner, Turnham, Venable, Warren, White (G) and Zoghby.

—42

Nays:

Reps. Albright, Beers, Biddle, Blake, Brakefield, Bugg, Buskey (JE), Butler, Carothers, Carter, Clark (D), Goodwin, Grayson, Harvey, Holley, Hooper,

Johnson (RG), Johnson (RW), Junkins, Laird, McKee, Mikell, Parker, Payne, Pratt, Preuitt, Sasser, Smith, Spratt, Turner and White (L).

—31

AMENDMENT OFFERED

Rep. Biddle offered the following amendment to the bill, H. 29 as amended:

Amend H. 29 on page 2, line 34 and on page 3, lines 1 through 3 by deleting Section 8 in its entirety, and inserting a new Section 8 to read as follows:

Section 8: The provisions of this Act are inoperative and void unless approved by a majority of the qualified electors voting at an election held thereon on November 4, 1986.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 33.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Bowling, Box, Britnell, Brooks, Browder, Burke, Buskey (JL), Campbell, Clark (J), Coburn, Cosby, Crow, Flowers, Gaston, Grouby, Hall, Harper, Harvey, Hettinger, Holmes, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Nicholson, Onderdonk, Penry, Perdue, Poole, Rice, Richardson, Starkey, Tanner, Turnham, Warren, White (G) and Zoghby.

—45

Nays:

Reps. Biddle, Blake, Brakefield, Bryant, Bugg, Buskey (JE), Butler, Carothers, Carter, Clark (D), Dutton, Faulk, Ford, Goodwin, Grayson, Hammett, Holley, Hooper, Johnson (RG), Johnson (RW), Laird, McKee, Mikell, Payne, Pratt, Preuitt, Rains, Sasser, Smith, Spratt, Turner, Venable and White (F).

—33

AMENDMENT OFFERED

Rep. White (L) offered the following amendment to the bill, H. 29 as amended:

Amend House Bill 29, Section 5, page 2, line 21, after the word "to" by striking ~~$20.00~~ and inserting in lieu thereof $10.00.

SUBSTITUTE AMENDMENT OFFERED

Rep. Laird offered the following substitute amendment to the amendment offered by Rep. White (L) to the bill, H. 29 as amended:

Amend H. B. 29, on Page 2, Section 5, line 21, after the word "to" by striking ~~$20.00~~ and inserting in lieu thereof the following: $5.00.

MOTION TO TABLE LOST

The motion offered by Rep. Box to table the substitute amendment offered by Rep. Laird, was lost.

Yeas 30; Nays 45.

Yeas:

Mr. Speaker, Adams, Bachus, Bowling, Box, Brooks, Browder, Campbell, Clark (J), Clark (W), Cosby, Gaston, Harper, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, McMillan, Mikell, Nicholson, Onderdonk, Penry, Poole, Rogers, Starkey, Tanner, White (G), White (L) and Zoghby.

—30

Nays:

Reps. Albright, Beers, Biddle, Black, Blake, Blakeney, Brakefield, Bryant, Burke, Butler, Carothers, Carter, Clark (D), Coleman, Crow, Dutton, Faulk, Goodwin, Grouby, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Lindsey, Mathis, McDowell, McKee, McNair, Parker, Payne, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Turner, Venable, Warren and White (F).

—45

SUBSTITUTE AMENDMENT ADOPTED

The question was then on the substitute amendment offered by Rep. Laird to the amendment offered by Rep. White (L) to the bill, H. 29 as amended, and the substitute amendment was adopted.

Yeas 50; Nays 32.

Yeas:

Reps. Beers, Biddle, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Dutton, Faulk, Goodwin, Gray, Hall, Hammett, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, McNair, Parker, Payne, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Tanner, Turner, Venable, Warren and White (F).

—50

Nays:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Bowling, Box, Browder, Buskey (JL), Campbell, Clark (J), Coburn, Flowers, Gaston, Grouby, Harper, Hettinger, Holmes, Kvalheim, Martin, McMillan, Nicholson, Onderdonk, Penry, Perdue, Poole, Reed, Rogers, Spratt, Starkey, White (G) and Zoghby.

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NOTICE IN WRITING

Rep. Boles filed the following Notice in Writing:

Notice is hereby given in accordance with House Rules that on the next legislative day a motion will be made to amend House Rule 31a as follows:

Delete Rule 31a and add in lieu thereof the following:

"Rule 31a. Any bill providing for or dealing with hazardous waste shall be treated as a general bill."

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 70. WELCOMING THE USS ALABAMA AND ITS CREWS TO THE PORT OF MOBILE AND THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

H. 29 RESUMED

Rep. Beers offered the following amendment to the bill, H. 29 as amended:

Amend House Bill 29, Page 3, Line 5, by adding the following:

New Section 10. And renumbering subsequent sections accordingly.

Section 10. Provisions of this Act shall be inoperative until its passage would put the number of citizens living in states mandating seat belt usage at two thirds or more of the total citizens living in the fifty states.

MOTION TO TABLE LOST

The motion offered by Rep. Box to table the amendment offered by Rep. Beers to the bill, H. 29 as amended, was lost.

Yeas 29; Nays 52.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Bowling, Box, Brooks, Browder, Campbell, Clark (J), Clark (W), Coburn, Coleman, Cosby, Grouby, Harper, Kennedy, Marietta, Martin, Onderdonk, Parker, Poole, Rice, Sasser, Starkey, Tanner, Thomas, Venable and Zoghby.

—29

Nays:

Reps. Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Brakefield, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Hall, Hammett, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, McMillan, McNair, Payne, Penry, Pratt, Richardson, Rogers, Smith, Trammell, Turner, Warren, White (G) and White (L).

—52

The question was then on the adoption of the amendment offered by Rep. Beers to the bill, H. 29 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Box, the motion offered by Rep. Gray to postpone further consideration of the bill, H. 29 as amended and the pending amendment, to the thirtieth legislative day, was tabled.

Yeas 43; Nays 42.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Bowling, Box, Britnell, Brooks, Browder, Bryant, Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Flowers, Gaston, Grouby, Harper, Holmes, Johnson (RW), Lauderdale, Marietta, Martin, Mathis, McMillan, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rice, Rogers, Smith, Starkey, Tanner, Thomas, White (G) and Zoghby.

—43

Nays:

Reps. Beers, Biddle, Blake, Blakeney, Boles, Brakefield, Bugg, Burke, Buskey (JE), Butler, Clark (D), Coleman, Crow, Dutton, Ford, Goodwin, Gray, Grayson, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, McDowell, McKee, McNair, Payne, Pratt, Preuitt, Rains, Richardson, Sasser, Trammell, Turner and White (L).

—42

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 34. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Also:

H. 201. Relating to Limestone County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge of Limestone County, Alabama, to have one general index book relative to transactions in the Probate Office of Limestone County and making the provisions retroactive to January 1, 1974.

Also:

H. 239. Relating to Fayette County; providing for an additional expense allowance for the county coroner.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 29. RESUMED

The question was again on the amendment offered by Rep. Beers to the bill, H. 29 as amended.

MOTION TO POSTPONE

Rep. Preuitt offered the motion to postpone further consideration of the bill, H. 29 as amended and the pending amendment to the twenty-ninth, legislative day.

SUBSTITUTE MOTION TABLED

On motion of Rep. Preuitt, the substitute motion offered by Rep. Holmes to temporarily postpone consideration of the bill, H. 29 as amended and the pending amendment, was tabled.

Yeas 43; Nays 37.

Yeas:

Reps. Albright, Blake, Boles, Brakefield, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D), Crow, Dutton, Faulk, Flowers, Goodwin, Gray, Grayson, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Mathis, McKee, McNair, Parker, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Trammell, Venable, Warren, White (F) and White (L).

—43

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Black, Bowling, Box, Britnell, Brooks, Bryant, Buskey (JL), Campbell, Clark (J), Clark (W), Coburn, Coleman, Cosby, Gaston, Grouby, Harper, Holley, Holmes, Johnson (RW), Marietta, Martin, McMillan, Nicholson, Onderdonk, Penry, Poole, Reed, Smith, Starkey, Thomas, Turner, White (G) and Zoghby.

—37

The question was then on the motion offered by Rep. Preuitt to postpone further consideration of the bill, H. 29 as amended and the pending amendment, to the twenty-ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Box to table the motion offered by Rep. Preuitt was lost.

Yeas 39; Nays 49.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Bowling, Box, Brooks, Browder, Bryant, Buskey (JL), Campbell, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Gaston, Grouby, Harper, Holmes, Johnson, (RW), Kennedy, Kvalheim,

Marietta, Martin, McMillan, Nicholson, Onderdonk, Parker, Penry, Poole, Reed, Rice, Rogers, Tanner, Thomas, White (G) and Zoghby.

—39

Nays:

Reps. Albright, Beers, Biddle, Blake, Blakeney, Boles, Brakefield, Britnell, Bugg, Burke, Buskey (JE), Butler, Clark (D), Crow, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Gray, Grayson, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, McNair, Mikell, Payne, Perdue, Pratt, Rains, Richardson, Sasser, Trammell, Turner, Venable, Warren and White (L).

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MOTION TO POSTPONE ADOPTED

On motion of Rep. Preuitt, further consideration of the bill, H. 29 as amended and the pending amendment, was postponed to the twenty-ninth legislative day.

Yeas 46; Nays 45.

Yeas:

Reps. Albright, Beers, Biddle, Blake, Blakeney, Boles, Brakefield, Britnell, Bugg, Burke, Buskey (JE), Butler, Clark (D), Crow, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Grayson, Hall, Hammett, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Lindsey, Mathis, McDowell, McKee, McNair, Payne, Pratt, Preuitt, Rains, Richardson, Sasser, Spratt, Trammell, Turner, Venable, Warren, White (F) and White (L).

—46

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Black, Bowling, Box, Brooks, Browder, Bryant, Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Cosby, Gaston, Grouby, Harper, Harvey, Holmes, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, McMillan, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Reed, Rice, Rogers, Starkey, Tanner, Thomas, White (G) and Zoghby.

—45

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 168. COMMENDING ATLANTA CITY COUNCILMAN JOHN LEWIS AND WELCOMING HIM TO LIVINGSTON UNIVERSITY AND WEST ALABAMA.

BILLS ON THIRD READING RESUMED
BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 106, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Harper, Harvey, Holley, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Mathis, McMillan, Mikell, Nicholson, Onderdonk, Poole, Rains, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Turner, White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 106. To prohibit certain activities related to tampering with meters and other facilities of public utilities furnishing utility services or otherwise diverting or using utility services unlawfully; to provide felony criminal punishment for violations; and to provide that the provisions of this act are cumulative to Section 13A-8-10, Code of Alabama 1975.

Was taken up.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 138. NAMING THE NEW PUBLIC FISHING LAKE IN CONECUH NATIONAL FOREST, ESCAMBIA COUNTY, ALABAMA, THE "LEON BROOKS HINES LAKE."

Also:

H. J. R. 139. COMMENDING EARL M. ALBRITTON FOR DISTINGUISHED MILITARY SERVICE DURING WORLD WAR II.

Also:

H. J. R. 142. CONGRATULATING MR. AND MRS. A. J. BLAKE ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

Also:

H. J. R. 145. COMMENDING R. C. "RED" BAMBERG FOR HIS SERVICE ON THE BOARD OF DIRECTORS OF THE ALABAMA AGRICULTURAL DEVELOPMENT AUTHORITY.

Also:

H. J. R. 146. HONORING THE UNITED METHODIST WOMEN'S ORGANIZATION AND PROCLAIMING APRIL 5, 1986 AS UNITED METHODIST WOMEN CENTENNIAL DAY IN ALABAMA.

Also:

H. J. R. 147. COMMENDING THE J. D. JAZZ GROUP AT JEFFERSON DAVIS STATE JUNIOR COLLEGE.

Also:

H. J. R. 148. MOURNING THE DEATH OF FRANK DRAIN OF GADSDEN, ALABAMA.

Also:

H. J. R. 149. COMMENDING BETTY CAROL GRAHAM, AS AEA VICE PRESIDENT-PRESIDENT ELECT.

Also:

H. J. R. 150. NAMING THE CLASSROOM AND PHYSICAL EDUCATION FACILITY UNDER CONSTRUCTION AT WALLACE STATE COMMUNITY COLLEGE, HANCEVILLE, "THE TOM DRAKE COMPLEX."

Also:

H. J. R. 151. MOURNING THE DEATH OF LEON BROOKS HINES OF BREWTON, ALABAMA.

Also:

H. J. R. 152. COMMENDING COMMISSIONER FRED SMITH, THE ALABAMA DEPARTMENT OF CORRECTIONS AND ITS CORRECTIONAL INDUSTRIES DIVISION AND THOSE INMATES ASSISTING IN THE RENOVATION OF AND MOVE INTO THE "STATE HOUSE."

Also:

H. J. R. 153. CONGRATULATING MR. AND MRS. E. K. BOWERS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 154. COMMENDING THE SCOTTSBORO HIGH SCHOOL CHEERLEADERS FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 156. CONGRATULATING MR. AND MRS. PERRY O. HOOPER, JR., ON THE BIRTH OF THEIR SON, THOMAS CLEMENT.

Also:

H. J. R. 163. MOURNING THE DEATH OF CHARLES CORBETT WIMBERLY OF MOBILE, ALABAMA.

Also:

H. J. R. 164. COMMENDING JROTC CADET EARL A. ADAMS, OF WILLIAMSON HIGH SCHOOL IN MOBILE, FOR OUTSTANDING HEROISM.

Also:

H. J. R. 165. CONGRATULATING MR. AND MRS. WILLIAM CHESTER BOGGS ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 166. CONGRATULATING MR. AND MRS. WILLIAM CLARENCE PENLAND ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 167. COMMENDING JOSEPH B. MORTON, SYLACAUGA, ALABAMA.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:55 A. M. on February 6, 1986.

H. J. R. 40

H. J. R. 42

H. J. R. 44

H. J. R. 46

H. J. R. 48

H. J. R. 50

H. J. R. 52

H. J. R. 54

H. J. R. 66

H. J. R. 68

H. J. R. 69

H. J. R. 70

H. J. R. 71

H. J. R. 72

H. J. R. 73

H. J. R. 81

H. J. R. 82

H. J. R. 83

H. J. R. 85

H. J. R. 86

H. J. R. 87

H. J. R. 93

H. J. R. 94

Delivered to the Governor at 12:10 P. M. on February 6, 1986.

H. 34

H. 201

H. 239

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Mathis and pursuant to the motion heretofore adopted, the House adjourned until 3:00 o'clock p.m., Wednesday, February 12, 1986.

NINTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, February 12, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Ben T. Richardson, Jackson, Alabama, member of the House of Representatives.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Kennedy, leave of absence was granted for Rep. Melton.

At the request of Rep. Boles, leave of absence was granted for Rep. Moore, due to illness.

NOTICE IN WRITING

Rep. Spratt filed the following Notice in Writing:

NOTICE IN WRITING

Having voted on the prevailing side, notice is hereby given that a motion will be made to reconsider the vote by which House Bill 29 was carried over to the 29th Legislative Day.

BILLS ON SECOND READING

By Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 371. (With Amendment): To authorize the Governor, the Director of Finance and the Chief Justice of the Supreme Court of the State of Alabama to become a public corporation to be known as Alabama Judicial Building Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the Authority; to provide for meetings of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, installation and equipping of judicial facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed $40,000,000 for such purposes; to specify the application of the proceeds of the bonds of the Authority; to authorize the Authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the Authority; to provide for the lease of said judicial facilities to the Unified Judicial System for occupancy by its components including the Supreme Court, the Court of Civil Appeals, the Court of Criminal Appeals, the State Law Library and

the Administrative Office of Courts; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to authorize the issuance by the Authority or refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the Authority may be used as security for State deposits and investment of public funds and fiduciary funds; to provide that no earnings of the Authority shall inure to private entities; and to provide for dissolution of the Authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 89. Relating to banks, banking and branch banking which: amends Title 5 of the Alabama Code of 1975 by adding Chapter 13A so as to create the "Alabama Regional Reciprocal Banking Act of 1986"; provides definitions; authorizes any bank holding company whose principal place of business is in any one of certain jurisdictions to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; requires divestiture in certain circumstances; provides applicable law and for regulatory supervision and enforcement authority; provides for application fees; provides for severability of provisions; restricts amendment of §5-5A-20, Code of Alabama, 1975; and provides an effective date.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 86. To provide that support shall be ordered paid directly to the Department of Pensions and Security or its designee in cases which come within the requirements of Title IV-D of the Social Security Act, as amended; provides for the distribution of monies collected; provides for notice to the court of the location and address where monies shall be received; provides for contracting with a designated party; provides that the record of collections shall constitute the official payment record, and shall be prima facie evidence of the payment made by the obligor.

H. 230. To require the Department of Pensions and Security to charge a fee for the processing of an application for a license or approval to operate a child care facility and a fee for a change in a license or approval to operate a child care facility. To provide that no fee shall be charged for the processing of an application for a license or approval to operate a foster family home, child care institution, institution for child care or group home. To require that said fees shall be deposited in the State Treasury to the credit of the State Public Welfare Trust Fund.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 520. To amend Section 11-94-1, Code of Alabama 1975, which relates to municipal-county port authorities, so as to authorize said port authorities to own, operate and finance office facilities for their own use or the use of certain other organizations, and amends Section 11-94-15, Code of Alabama 1975, which relates to liabilities of certain subdivisions of port authorities so as to provide that counties, municipalities, and public corporations may give certain financial aid to, and may otherwise cooperate with, municipal-county port authorities.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 521. (With Substitute): To propose an amendment to the Constitution of Alabama of 1901 so as to authorize the governing body of Morgan County to levy and collect an additional special ad valorem property tax of not exceeding 4 mills, for a period of not exceeding twenty-five years, for certain purposes.

The above bill was read a second time at length as required by the Constitution.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 249. To amend Section 11-42-41 of the Code of Alabama 1975 relating to procedures for annexing territories, so as to provide further for such procedures.

H. 256. Requiring counties and municipalities of over 2,000 population to adopt final plans for hereafter electing members of their respective governing bodies from single-member districts no later than January 1, 1988.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and place on the Calendar, to-wit:

H. 460. (With Amendments): To authorize counties of this state to establish and provide fire protection districts within each county; to enter into agreements with organized fire departments within each county for fire protection and services; to set fees for fire protection services within each county; and to prescribe the manner of collection and distribution of such fees.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 335. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 364. Relating to Marshall County; requiring all lodging facilities located in Lake Guntersville State Park to collect certain lodgings taxes as provided by law.

H. 400. Relating to Fayette County; to regulate further the expense allowance of the members of Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

H. 442. To propose a constitutional amendment to the Constitution of Alabama of 1901, relating to the City of Ozark, Dale County, so as to authorize additional ad valorem taxes for educational and school construction purposes; to provide the manner of implementing said tax by the municipal governing body of Ozark; to provide for issuing bonds and a referendum; and to provide that this amendment shall become effective immediately upon ratification by the people, pursuant to Amendment 425 of the Constitution of Alabama of 1901.

The above bill was read a second time at length as required by the Constitution.

H. 485. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Lee County and having its city hall or municipal headquarters located outside of the boundaries of Lee County from annexing any future territory in Lee County without prior referendum approval of a majority of the qualified electors living within the area to be annexed; and providing for such referendum elections.

The above bill was read a second time at length as required by the Constitution.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 138. NAMING THE NEW PUBLIC FISHING LAKE IN CONECUH NATIONAL FOREST, ESCAMBIA COUNTY, ALABAMA, THE "LEON BROOKS HINES LAKE."

Also:

H. J. R. 139. COMMENDING EARL M. ALBRITTON FOR DISTINGUISHED MILITARY SERVICE DURING WORLD WAR II.

Also:

H. J. R. 142. CONGRATULATING MR. AND MRS. A. J. BLAKE ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

Also:

H. J. R. 145. COMMENDING R. C. "RED" BAMBERG FOR HIS SERVICE ON THE BOARD OF DIRECTORS OF THE ALABAMA AGRICULTURAL DEVELOPMENT AUTHORITY.

Also:

H. J. R. 146. HONORING THE UNITED METHODIST WOMEN'S ORGANIZATION AND PROCLAIMING APRIL 5, 1986 AS UNITED METHODIST WOMEN CENTENNIAL DAY IN ALABAMA.

Also:

H. J. R. 147. COMMENDING THE J. D. JAZZ GROUP AT JEFFERSON DAVIS STATE JUNIOR COLLEGE.

Also:

H. J. R. 148. MOURNING THE DEATH OF FRANK DRAIN OF GADSDEN, ALABAMA.

Also:

H. J. R. 149. COMMENDING BETTY CAROL GRAHAM, AS AEA VICE PRESIDENT-PRESIDENT ELECT.

Also:

H. J. R. 150. NAMING THE CLASSROOM AND PHYSICAL EDUCATION FACILITY UNDER CONSTRUCTION AT WALLACE STATE COMMUNITY COLLEGE, HANCEVILLE, "THE TOM DRAKE COMPLEX".

Also:

H. J. R. 151. MOURNING THE DEATH OF LEON BROOKS HINES OF BREWTON, ALABAMA.

Also:

H. J. R. 152. COMMENDING COMMISSIONER FRED SMITH, THE ALABAMA DEPARTMENT OF CORRECTIONS AND ITS CORRECTIONAL INDUSTRIES DIVISION AND THOSE INMATES ASSISTING IN THE RENOVATION OF AND MOVE INTO THE "STATE HOUSE".

Also:

H. J. R. 153. CONGRATULATING MR. AND MRS. E. K. BOWERS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 154. COMMENDING THE SCOTTSBORO HIGH SCHOOL CHEERLEADERS FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 156. CONGRATULATING MR. AND MRS. PERRY O. HOOPER, JR., ON THE BIRTH OF THEIR SON, THOMAS CLEMENT.

Also:

H. J. R. 163. MOURNING THE DEATH OF CHARLES CORBETT WIMBERLY OF MOBILE, ALABAMA.

Also:

H. J. R. 164. COMMENDING JROTC CADET EARL A. ADAMS, OF WILLIAMSON HIGH SCHOOL IN MOBILE, FOR OUTSTANDING HEROISM.

Also:

H. J. R. 165. CONGRATULATING MR. AND MRS. WILLIAM CHESTER BOGGS ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 166. CONGRATULATING MR. AND MRS. WILLIAM CLARENCE PENLAND ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 167. COMMENDING JOSEPH B. MORTON, SYLACAUGA, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 10:00 o'clock a.m., Thursday, February 13, 1986.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (RW):

H. J. R. 169. AMENDING THE JOINT RULES OF THE TWO HOUSES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Rules of the Two Houses of the Alabama Legislature of Alabama are hereby amended by striking Rule 14 and substituting a new Rule 14 to read as follows:

Rule 14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors on the floors of the State House used by the Legislative Branch, are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon.

This rule will not apply to employees of the two houses who are security officers nor to members of the State Troopers who are in their official capacities.

On motion of Rep. Johnson (RW), the rules were suspended and the resolution, H. J. R. 169, was adopted.

Also:

By Rep. White (F):

H. J. R. 170. COMMENDING THE POLLARD-McCALL JUNIOR HIGH SCHOOL BASKETBALL TEAMS FOR OUTSTANDING ACHIEVEMENTS.

WHEREAS, in highest commendation, the Legislature of Alabama notes the outstanding season records of both the Pollard-McCall Junior High School Wolves and Lady Wolves basketball teams; and

WHEREAS, the 1985-86 boy's team finished the season with only one loss against twelve wins, and a phenomenal three-year record for the Brewton, Alabama, school of 33-5 during the last three seasons; and

WHEREAS, under their sixth-year veteran head coach at Pollard-McCall, Jerry Dunaway, the Wolves started the season with only two returners from the 10-0, 1984-85 team, Tommy Few and John Allen, who were joined by Rusty Burnham, Ricky Carden, Chris Hall, Josh White, Dan Norwood, Richie Chavers, Robbie Chavers, Jim Battles, Scott Wilson, Ryan Dunaway, James Ward, Johnny Hart and Wayne Mixon; and

WHEREAS, the Wolves first seven games were posted in the winners column before facing their only loss to Atmore, which was then followed by five more victories on the court, including the 1986 Pollard-McCall Invitational 41-30 and 32-18 wins over Jay and Atmore, respectively, to take first place in the tournament; and

WHEREAS, the Pollard-McCall Lady Wolves, under Coach Stephanie Martin, also posted an outstanding season with a 10-3 record for the year and the first place trophy in the Pollard-McCall Girls Invitational, defeating the Atmore girls team 27-26; and

WHEREAS, the Lady Wolves team is composed of Beverly Carter, Rachel Cooper, Gloria Carnley, Diana Kirkland, Katie Findley, Sandy Davidson, Lisa Mosley, Leigh Lambert and Shannon Cooper; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Wolves and Lady Wolves of Pollard-McCall Junior High School, Brewton, Alabama, on their outstanding basketball seasons, and direct that copies of this resolution be forwarded to Coaches Dunaway and Martin for appropriate presentation and school display.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 170, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Coleman, leave of absence was granted for Rep. Newman.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Blake:

H. 522. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of employers participating in the employees' retirement system of Alabama under the provisions of Section 36-27-6 of the Code of Alabama 1975; to provide for the creation of the local employees' health insurance board; to prescribe the authority, powers, duties and terms of the members of said board; to prescribe the coverage which may be provided by said plan and the method of funding the cost of said coverage and to provide that said board upon certain findings, may develop a plan of self insurance.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 523. Appropriating a certain amount of money during the 1985-86 fiscal year from the state general fund to the National Guard Association of Alabama for the establishment of an Alabama National Guard Museum in a certain location.

Committee on Ways and Means.

By Reps. Flowers (With Notice and Proof):

H. 524. Relating to Pike County; to provide for the election of members of the county commission; to adopt new districts; and to repeal all conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 524, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Pratt:

H. 525. To open the State of Alabama Retirement Systems for service performed by certain long-time employees of the Disability Determination Division of the State Department of Education; to provide credit for such service for purposes of continuous service and longevity; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the State of Alabama Retirement Systems; to provide for the payment by the members of such service; and to provide for its termination.

Committee on Ways and Means.

By Reps. Biddle, McNair, and Rogers (With Notice and Proof):

H. 526. Relating to Jefferson County; amending Section 5 of Act No. 176, S. 117 of the Extraordinary Session of 1936 (General and Local Acts 1936, p. 206) as last amended by Section 1 of Act No. 217, H. 261 of the First Special Session of 1964 (Acts 1964, p. 299) relating to notification

procedures for ad valorem tax assessments in said county, so as to provide further for such procedures.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 526, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Tanner:

H. 527. To prohibit the towing of vehicles on public roads and highways except by means of a wrecker, a flatbed truck, or a tractor trailer truck, and to provide criminal penalties.

Committee on Judiciary.

By Rep. Tanner:

H. 528. To provide for different classes of wreckers and to provide for the license plates to be displayed on said wreckers.

Committee on Judiciary.

By Rep. Tanner:

H. 529. To require that all wreckers operated within the state shall have certain liability insurance coverage.

Committee on Judiciary.

By Rep. Cosby:

H. 530. To prohibit persons from hunting or attempting to hunt from any elevated stand or platform in excess of six (6) feet within one hundred (100) yards of any adjoining landowner's real property without obtaining said landowner's permission; and to provide a penalty for the violation hereof.

Committee on Natural Resources.

By Reps. Holley, Faulk, Warren, Carothers, Beasley, Mathis, and Hammett:

H. 531. To amend Sections 11-6-1 and 11-6-2, Code of Alabama 1975, as amended, which relate to the appointment, salary and qualifications of county engineers so as to further provide for the conditions of employment of such county engineers.

Committee on Local Government.

By Rep. Nicholson (With Notice and Proof):

H. 532. Relating to Walker County; to amend Act 83-428, Senate Bill 355, Regular Session, 1983 (Acts of Alabama, 1983, Volume 1, pages 607-608) so as to provide the Walker County Board of Education the authority to establish the salary of the Superintendent of Education of Walker County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 532, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner:

H. 533. Relating to Mobile County, authorizing that the medical examiner may provide cornea tissue transplants.

Committee on Local Legislation No. 3.

By Reps. Turner, Marietta, Kvalheim, Gaston, McKee, and Hooper:

H. 534. To create the separate crimes of pandering of obscenity, wholesale pandering of obscenity, promoting or wholesale promoting of a sexual device, making obscene drawings, disseminating matter harmful to minors, unlawful exhibition or display of harmful materials to minors, unlawful exhibition of harmful performances at outdoor theaters, deception to obtain matter harmful to minors, compelling acceptance of objectionable materials, commercial nudity, and sexual exploitation of children; provides for jury instructions; and provides for penalties for violations of the aforementioned crimes.

Committee on Judiciary.

By Rep. Hammett (With Notice and Proof):

H. 535. To amend the title and Section 1 of Act No. 80-688, H. 1137, of the 1980 Regular Session of the Legislature (Acts 1980, p. 1375), which act provides for hiring and fixing the salaries of certain clerks for the tax assessor and tax collector in Covington County, Alabama, so as to provide further for such salaries and to provide for retroactive effect for said act to October 1, 1982.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 535, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Clark (J), Starr, Martin, Cosby, and Turner:

H. 536. To authorize the governing body of any county or municipality, or any county and municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; and to provide that the provisions of this act are cumulative.

Committee on Local Government.

By Reps. Carothers, Mathis, and Beasley:

H. 537. To authorize the city council of any Class 5 municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and to authorize the city councils to provide by ordinance for the appointment of such commission.

Committee on Local Government.

By Reps. Hooper, McKee, Starr, Buskey (John), Mikell, and Holmes (With Notice and Proof):

H. 538. To authorize the City of Montgomery, Montgomery County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carryout programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 538, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Onderdonk:

H. 539. The Uniform Transfers to Minors Act expands the scope of the Uniform Gifts to Minors Act to extend custodial mechanism so that it is available for a wider range of property interests and transactions. The Act repeals the present Uniform Gifts to Minors Act in Code of Alabama (1975) Sections 35-5-1 through 35-5-10, as amended.

Committee on Judiciary.

By Reps. Beasley, White (L), Johnson (RG), Mikell, and Butler:

H. 540. To amend Section 34-23-2 of the Code of Alabama, 1975 relating to the practice of pharmacy in this State.

Committee on Health.

By Reps. Beers, Biddle, and White (G):

H. 541. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years old, or any mentally incompetent person, regardless of age, under the guardianship of another, to the extent constitutionally permissible; to provide for the enforcement of this act; and to prescribe penalties for violations.

Committee on State Administration.

By Reps. Beers, Drake, Bachus, Seibels, and White (G):

H. 542. To provide for the placing of signs on the Interstate Highways requesting that motor vehicles be driven in the right lane unless passing.

Committee on State Administration.

By Reps. Venable and Drake:

H. 543. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to authorize the officer's surviving spouse to carry a handgun.

Committee on Public Utilities and Transportation.

By Rep. Reed:

H. 544. To appropriate $2,200,000.00 from the special educational trust fund in the state treasury during the 1986-1987 state fiscal year to Tuskegee University for maintenance and operations.

Committee on Ways and Means.

By Reps. Smith and Holley:

H. 545. To amend Section 9-8A-4 of the Code of Alabama 1975 relating to the powers of the Alabama agricultural and conservation development commission, so as to grant the power of establishing a private endowment fund and to provide for the regulation of said fund.

Committee on Agriculture and Forestry.

By Rep. Perdue:

H. 546. To amend Section 36-25-27, Code of Alabama 1975, which provides for penalties for violations of the provisions of the ethics law, so as to provide further for said penalties.

Committee on Judiciary.

By Rep. Clark (J):

H. 547. Relating to supernumerary magistrates; providing for eligibility requirements, terms of office, oath of office, compensation and prior service credit for magistrates for supernumerary status; and establishing the magistrates' supernumerary fund.

Committee on Ways and Means.

By Reps. Kvalheim, Harper, Gaston, Zoghby, and Turner (With Notice and Proof):

H. 548. Pertaining to Mobile County; to exempt from all county, local, and municipal ad valorem taxes, certain property owned by The Federated Garden Clubs of Mobile County, Inc., a nonprofit corporation.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 548, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Kvalheim, Harper, Gaston, Zoghby, and Turner:

H. 549. To amend Section 3-1-13, Code of Alabama 1975, relating to care and custody of abused animals, so as to further provide for the authority of humane officers to take charge of and care for such animals.

Committee on State Administration.

By Reps. Kvalheim, Gaston, and Turner:

H. 550. To amend Section 43-8-46, Code of Alabama 1975, which provides for inheritance by relatives of half blood, so as to provide further for said inheritance.

Committee on Judiciary.

By Reps. Mikell and Beasley:

H. 551. To amend Section 25-5-77 of the Code of Alabama 1975 relating to expenses of medical treatment, medicine, supplies and medical services for injured persons under workmen's compensation, so as to prescribe certain requirements relative to obtaining such medical treatment, supplies and services.

Committee on Ways and Means.

By Rep. Gray:

H. 552. To repeal section 16-40-8, Code of Alabama 1975, which requires CPR training in schools.

Committee on Education.

By Reps. Gray, Boles, Bowling, Grouby, Turner, Reed, Gaston, Pratt, Kvalheim, Smith, McMillan, Butler, Penry, Mikell, Hooper, Buskey (John), McKee, Johnson (RG), Brakefield, Coleman, Beasley, Faulk, Poole, Preuitt, Britnell, Rogers, Davis, Marietta, Biddle, McNair, Albright, Seibels, Bachus, Lauderdale, Carter, Beers, McDowell, Escott, Goodwin, Ford, Junkins, Johnson (RW), Burke, Crow, Spratt, Newton, Flowers, Mitchell, Buskey (James), Cosby, Blakeney, Bryant, Onderdonk, Thomas, Black, Zoghby, and Parker:

H. 553. To provide for a salary increase for certain state employees and to provide an appropriation therefor for the fiscal year ending September 30, 1987.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Pratt:

H. J. R. 171. COMMENDING CLARENCE DRIVER OF BIRMINGHAM, ALABAMA, ON HIS LONG AND DISTINGUISHED CAREER WITH ROBERTS AND SONS.

WHEREAS, the recent retirement of Clarence Driver as a deliveryman for Roberts and Sons of Birmingham, brought to a close a career of 56 years of extraordinary service and devotion to duty under eight company presidents; and

WHEREAS, it is further to be noted, with highest commendation, that Mr. Driver's record shows only two days' absence from work during the more than five and one-half decades of employment; and

WHEREAS, Mr. Driver, who began work in September 1929, made his deliveries by bicycle for the first five years of his employment before the company began truck deliveries; and

WHEREAS, Clarence Driver has indeed been "the perfect example of a perfect employee" according to company officials, and he is deserving of highest praise for the example he has set for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service during his extraordinary career, we hereby most highly commend Clarence Driver of Birmingham, Alabama, and direct that he receive a copy of this resolution, executed in sincere praise of his accomplishment and in expression of our best wishes for a long and happy retirement.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 171, was adopted.

Also:

By Rep Coleman:

H. J. R. 172. COMMENDING MR. AND MRS. JAMES VERGIL NOLEN ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the recent Golden Wedding Anniversary, February 1, 1986, of Mr. and Mrs. James Vergil Nolen; and

WHEREAS, in the sight of God, James Vergil Nolen and Dorothy Maurene Bradley were joined in wedlock on February 1, 1936, by the Reverend Johnny Nelson and these two fine people, forsaking all others, have remained in said Holy state for 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by young couples who also pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Nolen, who are 69 and 67 years young respectively, are the parents of five children, three of whom are deceased, and are the loving grandparents of five wonderful grandchildren and one great grandchild; and

WHEREAS, Mr. Nolen, a retired carpenter, and Mrs. Nolen, a homemaker, attribute their long, happy marriage to working together, loving each other and living a Christian life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple, Mr. and Mrs. James Vergil Nolen, and wish them many more happy years together in their union blessed by God and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Nolen that they may know of our congratulations and warm best wishes.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 172, was adopted.

Also:

By Reps. Hall, Grayson, Hettinger, Albright and Butler:

H. J. R. 173. MOURNING THE DEATH OF CHARLES H. STONE OF GURLEY, MADISON COUNTY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the untimely death of Charles H. Stone of Gurley, Madison County, Alabama, on February 5, 1986, at the age of just 51 years; and

WHEREAS, a native and lifelong resident of the area, Mr. Stone was serving at the time of his death as a member of the Madison County Commission, District 2, a position he had held for the past nine years; and

WHEREAS, Charles Stone, in addition to his longtime record of distinguished public service, also was a prominent Madison County civic and community leader who served on the boards of such organizations as the Gurley Jaycees, Madison County Mental Health Association, Rocket City Credit Union and the Administrative Board of Gurley Methodist Church; and

WHEREAS, he further was the recipient of numerous awards and honors in recognition of outstanding accomplishment, including the Jaycees Good Government Award, and Outstanding Young Farmer of both Madison County and the State of Alabama; and

WHEREAS, Mr. Stone also was named as one of four Outstanding Young Farmers of America and, for four consecutive years, received the County Achievement Award of the National Association of County Officials; and

WHEREAS, in the death of Charles H. Stone, the Madison County community and the State of Alabama have indeed suffered an inconsolable loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Charles H. Stone of Gurley, Alabama, and extend deepest and sincere sympathy to his wife, Carolyn Stone; daughters, Rhonda and Lynn; to his son, Roy; and to other family members for whom a copy of this resolution of condolence shall be provided.

On motion of Rep. Hall, the rules were suspended and the resolution, H. J. R. 173, was adopted.

Also:

By Rep. Black:

H. J. R. 174. COMMENDING ATLANTA CITY COUNCILMAN JOHN LEWIS AND WELCOMING HIM TO LIVINGSTON UNIVERSITY AND WEST ALABAMA.

WHEREAS, it is noted, with great pleasure, that Atlanta City Councilman John Lewis is appearing February 7, 1986, on the Livingston University Annual Black History Month program by invitation of the Livingston University Afro-American Cultural Association; and

WHEREAS, John Lewis, a native Alabamian, is a longtime proponent and tireless supporter of the cause for human rights, human dignity and to the building of his self-described "Beloved Community"; and

WHEREAS, a former student at American Baptist Theological Seminary in Nashville, Tennessee, and a graduate of Fisk University, Councilman Lewis has been variously and successively associated with the Student Nonviolent Coordinating Committee (SNCC) as chairman; the New York-based Field Foundation as a staff member; the Southern Regional Council in Atlanta as director of the organization's Voter Education Project (VEP); the federal volunteer agency, ACTION, as director and by appointment of President Carter; and the National Consumer Co-op Bank in Atlanta; and

WHEREAS, John Lewis, who holds the Martin Luther King, Jr., Nonviolent Peace Prize, among countless other recognitions, is a member of the boards of the King Center for Social Change, the Robert F. Kennedy Memorial Foundation, the African-American Institute and the Atlanta-Fulton County Library, and is cochairman of the Atlanta Black-Jewish Coalition; and

WHEREAS, since his election in 1982, Councilman Lewis has continued his lifelong advocacy of world peace, justice and brotherhood, and is exemplified as a true champion of the needy, neglected, homeless and oppressed through leadership participation and personal sacrifice in such nonviolent actions as the "freedom rides," the Mississippi Freedom Summer Project, and the Selma-to-Montgomery March; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary contributions to the cause of human rights and justice for all, we hereby most highly commend City Councilman John Lewis of Atlanta, Georgia, and, in warm welcome to Livingston University and West Alabama, direct that he be presented with a copy of this resolution, executed in highest admiration and regard.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 174, was adopted.

Also:

By Reps. Grayson and Albright:

H. J. R. 175. COMMENDING MR. WILLIAM MYERS JOHNSON FOR OUTSTANDING CONTRIBUTIONS TO THE CITIZENS OF HUNTSVILLE, ALABAMA, AND THE BROTHERS OF KAPPA ALPHA PSI FRATERNITY, INCORPORATED.

WHEREAS, Mr. William Myers Johnson matriculated at Tennessee State University and was initiated into Alpha Theta Chapter of Kappa Alpha Psi Fraternity, Incorporated, on November 20, 1948; and

WHEREAS, Mr. William Myers Johnson is a life member of Kappa Alpha Psi Fraternity, Incorporated; and

WHEREAS, Mr. William Myers Johnson served as President and Treasurer of the Huntsville Alumni Chapter, rendering exceptional services to the Fraternity; and

WHEREAS, Mr. William Myers Johnson served as Graduate Advisor to the Gamma Phi Chapter at Alabama A&M University, rendering outstanding services to the Fraternity for five years; and

WHEREAS, Mr. William Myers Johnson served with honor in the United States Army; and

WHEREAS, Mr. William Myers Johnson served as Assistant Professor of Poultry Science at Alabama A&M University, influencing and impacting the lives of young adults; and

WHEREAS, Mr. William Myers Johnson served as Director of Physical Facilities at Alabama A&M University, rendering outstanding services to his profession; and

WHEREAS, Mr. William Myers Johnson served as past board member of the Harris Home for Children, rendering dedicated services to the growth and development of disadvantaged youths; and

WHEREAS, Mr. William Myers Johnson served as Treasurer of R. E. Nelms Elks Lodge Number 977, rendering substantial services to its members for twenty years; and

WHEREAS, Mr. William Myers Johnson served as a member of the Housing Authority Board of Adjustments and Appeals, and as a member of the Community Development Board, rendering professional services to the citizens of Huntsville, Alabama; and

WHEREAS, Mr. William Myers Johnson is respected and admired by brothers of Kappa Alpha Psi Fraternity, Incorporated, and the citizens of Huntsville, Alabama; and

WHEREAS, the citizens of Huntsville, Alabama, have recognized Mr. William Myers Johnson for giving unselfishly of himself, his time and talents in the service to humankind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the works and good deeds of Mr. William Myers Johnson shall serve as a model and an inspiration for all people to strive for excellence in all endeavors of life.

BE IT FURTHER RESOLVED, That this resolution be presented to Mr. William Myers Johnson at the Thirty-six Southern Province Council Meeting in Huntsville, Alabama, on March 27, 1986, expressive of our appreciation for his services to the citizens of Huntsville, Alabama, and the brothers of Kappa Alpha Psi Fraternity, Incorporated.

On motion of Rep. Grayson, the rules were suspended and the resolution, H. J. R. 175, was adopted.

Also:

By Rep. Turner:

H. J. R. 176. CONGRATULATING MRS. DODIE McLAUGHLIN EVANS OF FAIRVIEW, ALABAMA, ON THE OCCASION OF HER 100th BIRTHDAY.

WHEREAS, on the memorable occasion of the 100th birthday of Mrs. Dodie McLaughlin Evans, Fairview, Alabama, the Legislature of Alabama takes great pleasure in expressing sentiments of commendation and congratulations; and

WHEREAS, born March 9, 1886, in Shelbyville, Tennessee, Mrs. Evans has been a resident of the Fairview community since 1940 and is the mother of two daughters, Monty Evans Fears and Christine Swaim; and

WHEREAS, despite her advanced years, Mrs. Evans retains an avid interest in life and in the lives of her family and many friends; and

WHEREAS, Mrs. Dodie Evans is a fine Christian lady whose warmth of personality shines as a beacon to others and has endeared her to the entire community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in extending heartiest congratulations to Mrs. Dodie McLaughlin Evans of Fairview, Alabama, on the significant occasion of her 100th birthday and direct that she receive a copy of this resolution of praise, executed in deep admiration and highest personal regard.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 176, was adopted.

Also:

By Rep. Harvey:

H. J. R. 177. CREATING THE JOINT INTERIM COMMITTEE ON THE DISPOSAL OF SCRAP TIRES.

WHEREAS, the Alabama Legislature is concerned about the health and environmental problems related to the disposal of scrap tires which requires further study in depth and these require positive recommendations to the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to further suggest to the state legislators sound, workable, financially feasible and economically possible methods of disposing scrap tires by the most healthful and environmentally safe procedure there is hereby organized a Joint Interim Committee on the Disposal of Scrap Tires, to be composed of eight (8) members of the Legislature: four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. In addition to the legislative members, the following nonvoting members, from the public, shall be: The president, the vice-president and the executive director of the Alabama Tire Dealers' Association, and a total of three tire dealers, with one dealer from each the central, southern and northern regions, all of whom shall be selected by the executive director of the Alabama Tire Dealers' Association. These nonvoting members shall serve without pay and shall give such expertise and perform such tasks as may be assigned by the full committee. It shall be the duty and function of the committee to analyze the present status of disposal of scrap tires and to make recommendations for legislative revision which it considers necessary or desirable to enable the state to more adequately meet and furnish the services and requirements of the citizens in a safe, healthful and environmentally sound manner.

In reviewing the status and the pertinent laws in Alabama, the committee shall consider and make studies of relative hazardous waste disposal laws and regulations at both the state and federal levels, together with associated problems.

RESOLVED FURTHER, That the committee shall elect a chairman and cochairman from among the voting members and shall elect officers from among the membership. The committee shall provide for their own

rules of procedure to conduct its business and shall meet at the call of the chair.

Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the committee, which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the committee's chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The chairman of the committee shall certify the sums due to the clerk or other employees of the committee. The total amount of funds expended by the committee in carrying out the study shall not exceed the sum of Seven Thousand Five Hundred Dollars ($7,500).

BE IT FURTHER RESOLVED, That the committee shall report its findings and recommendations by the fifth legislative day of the 1987 Regular Session at which time the committee shall stand discharged of any further duties and responsibilities and shall be dissolved.

The resolution, H. J. R. 177, was read and referred to the Standing Committee on Rules.

Also:

By Reps. McMillan and Penry:

H. J. R. 178. COMMENDING C. LeNOIR THOMPSON, BAY MINETTE CITIZEN OF THE YEAR, 1985.

WHEREAS, the Legislature of Alabama notes with highest commendation the selection of C. LeNoir Thompson as 1985 Bay Minette Citizen of the Year, a prestigious award bestowed in recognition of outstanding achievement and in grateful acknowledgement of his outstanding contributions to the community, state and nation; and

WHEREAS, a native of Baldwin County, Mr. Thompson is a graduate of Baldwin County High School in 1926, of the Jones Institute in 1937, and he has been a practicing attorney in Bay Minette since 1947; and

WHEREAS, Mr. Thompson, during his long and distinguished career, performed special legislative work for four different Alabama Governors; served as secretary to Senator G. R. Swift, both in Montgomery and Washington, during the 1930's; and served as tax clerk for the 1947 legislative session; and

WHEREAS, he also has contributed greatly to the well-being of his fellow citizens by successfully representing hundreds of clients without remuneration, and he is widely known for his outstanding work on behalf of the Alabama Creek Indians which resulted in the Supreme Court's reversal of its decision against the Indians, thereby enabling Creek descendants to reap monetary benefits; and

WHEREAS, C. LeNoir Thompson further is an ardent conservationist and has served continuously as president of the Baldwin County Wildlife Association since the organization's inception, and he has worked diligently and successfully to save the Mobile Delta for wildlife; and

WHEREAS, it is further to be noted that he was the recipient in 1978 of the Conservation Award by the Woodmen of the World, and has been

recognized on numerous other occasions for his work in conservation and in other areas of concern on all levels; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to the community, state and nation, we hereby most highly commend Bay Minette's Citizen of the Year for 1985, C. LeNoir Thompson, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 178, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 179. MOURNING THE DEATH OF WILLIAM R. LESTER OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 180. MOURNING THE DEATH OF LESTER BONNER, JR., OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 181. MOURNING THE DEATH OF CHARLES G. CARY OF GADSDEN, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Junkins:

H. J. R. 182. MOURNING THE DEATH OF FRANK DANIELS, JUNIOR.

WHEREAS, Mr. Frank Daniels, Jr., of Gadsden passed away on November 25, 1985; and

WHEREAS, Mr. Daniels, a native of Geneva and later a resident of Birmingham before moving to Gadsden, was a member and deacon of Southside Baptist Church and formerly of Lakeside Baptist Church in Birmingham, a member of the Alabama Board of Funeral Services and the Alabama Funeral Directors Association, as well as many other professional and civic organizations; and

WHEREAS, Mr. Daniels was vice president of Ridout's-Brown Service, Inc., and manager of Collier Butler Funeral Home and his professionalism in these positions was a prime example of service and integrity to the funeral industry with which he was associated for more than thirty years; and

WHEREAS, Mr. Daniels had suffered from numerous illnesses for many years and his courage and determination were an inspiration to all who knew him; and

WHEREAS, we, along with his family and colleagues in the funeral profession, are deeply saddened by his passing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Frank Daniels, Jr., and extend our most sincere and deepest sympathy to his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his widow, Helen White Daniels; his daughters, Ann Daniels Corley and Lisa Daniels Higgins, and Ridout's-Brown Service, Inc., where Mr. Daniels devoted loyal service for the majority of his career.

On motion of Rep. Junkins, the rules were suspended and the resolution, H. J. R. 182, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 183. COMMENDING OSCAR M. ZEANAH OF ANDALUSIA, ALABAMA.

Also:

By Rep. Hammett:

H. R. 184. AMENDING THE HOUSE RULES

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the House Rules are hereby amended to add a new Rule 50a to read as follows:

Rule 50a. The chairman of any house standing committee, except Rules, shall give written notice to the members of any such committee of any meeting at least four hours prior to the meeting, and such notice shall include a listing by number and title of the bills to be considered at said meeting. The effective date of this change shall be February 18, 1986.

RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Hammett, consideration of the resolution, H. R. 184, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Coleman, the rules were suspended in order to take up out of order the bill, H. 377.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coleman, Budget Isolation Resolution relating to H. B. 377, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blakeney, Box, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D),

Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McMillan, Mikell, Onderdonk, Parker, Poole, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

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And the bill:

H. 377. (With Substitute): To provide conditional appropriations of $9,267,400 to certain state agencies for the fiscal year ending September 30, 1986.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide conditional appropriations of $14,367,400 to certain state agencies for the fiscal year ending September 30, 1986; and to provide that certain provisions of this act shall be retroactive.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated the following amounts conditioned on the availability of funds in the State General Fund and the approval of the Governor for the fiscal year ending September 30, 1986:

a. Department of Pensions and Security $7,600,000

Of this amount conditionally appropriated to the Department of Pensions and Security, $1,100,000 is hereby conditionally appropriated to be used solely for the purpose of providing performance salary advances for employees of the Department of Pensions and Security. These funds shall be used solely to make payments for the salary of any employee who otherwise qualifies during the fiscal year 1985-86 for a performance salary adjustment within his assigned pay range, but may not receive such salary adjustment due to a declaration by the department that funds are unavailable for such purpose. It being the intent of the Legislature that in the event such conditional appropriation is released the appropriate compensation to such employees shall be retroactive from the time the performance salary advancement was due. In addition, of the amount conditionally appropriated to the Department of Pensions and Security, $4,000,000 is conditionally appropriated to insure adequate staffing of county offices and to continue the former Title 20 day care program.

b.	Medicaid Agency	540,000
c.	Attorney General	86,000
d.	Department of Industrial Relations	272,000
e.	Department of Mental Health/Mental Retardation	2,255,000
f.	Youth Services	412,000
g.	Examiners of Public Accounts	30,000
h.	Office of Prosecution Services	1,400
i.	Department of Finance	3,171,000

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby specifically repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McDowell, McMillan, McNair, Mikell, Mitchell, Onderdonk, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

Reps. Reed, Thomas, Rice, Holmes, Grouby, White (F) and Bugg were added as co-sponsors to the bill, H. 377.

And the bill:

H. B. 377. To provide conditional appropriations of $14,367,400 to certain state agencies for the fiscal year ending September 30, 1986; and to provide that certain provisions of this act shall be retroactive.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 98; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant,

Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 377:

Reps. Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 185. CONGRATULATING MR. AND MRS. LOUIE CRENSHAW WILSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 80. COMMENDING BLOUNT COUNTY SHERIFF J. C. CARR ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

Also:

S. J. R. 81. DIRECTING THE DESIGNATION OF CERTAIN PROPERTIES OWNED BY THE STATE OF ALABAMA AS A WILDLIFE REFUGE AND THAT SAID PROPERTIES BE CEDED OVER TO GUNTERSVILLE STATE PARK FOR ADMINISTRATION AND PROTECTION.

Also:

S. J. R. 82. COMMENDING JUDGE ALTON M. BLANTON FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO RECONSIDER

Having previously filed a Notice in Writing and voted on the prevailing side, Rep. Spratt offered the motion to reconsider the vote by which the bill, H. 29 as amended and the pending amendment, was postponed to the twenty-ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Buskey (JE) to table the motion to reconsider offered by Rep. Spratt, was lost.

Yeas 42; Nays 44.

Yeas:

Reps. Albright, Blake, Blakeney, Boles, Brakefield, Britnell, Bugg, Burke, Butler, Carothers, Clark (D), Clark (W), Dutton, Faulk, Goodwin, Gray, Grayson, Hall, Hammett, Hettinger, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Mathis, McKee, McNair, Mitchell, Newton, Payne, Perdue, Pratt, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Trammell and Venable.

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Nays:

Reps. Bachus, Beasley, Bowling, Box, Brooks, Browder, Bryant, Buskey (JL), Clark (J), Coburn, Coleman, Cosby, Crow, Escott, Flowers, Ford, Fuller, Gaston, Grouby, Harper, Harvey, Hooper, Kennedy, Kvalheim, Marietta, Martin, McMillan, Nicholson, Parker, Penry, Poole, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Warren, White (F), White (G) and Zoghby.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 186. COMMENDING THE A & M VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 187. COMMENDING THE RANDOLPH COUNTY RESCUE SQUAD FOR OUTSTANDING SERVICE TO THE COMMUNITY.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Perdue would have voted "Yea" on the motion to reconsider the bill, H. 29, had he been in the Chamber at the time of voting.

MOTION TO ADJOURN LOST

The motion offered by Rep. Trammell that the House adjourn until 10:00 o'clock a.m., Thursday, February 13, 1986, was lost.

Yeas 27; Nays 55.

Yeas:

Reps. Albright, Blakeney, Brakefield, Bryant, Buskey (JE), Butler, Carter, Clark (D), Clark (W), Crow, Dutton, Faulk, Flowers, Grayson, Johnson (RG), Kennedy, Lindsey, McDowell, Rains, Rice, Sasser, Seibels, Starr, Trammell, Venable, White (F) and White (L).

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Nays:

Mr. Speaker, Beers, Biddle, Blake, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JL), Carothers, Clark (J), Coburn, Coleman, Cosby, Davis, Ford, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RW), Junkins, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mitchell, Newton, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Spratt, Starkey, Turner, Turnham, Warren and Zoghby.

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H. 29 RESUMED

SUBSTITUTE MOTION TABLED

On motion of Rep. Box, the substitute motion offered by Rep. White (L) to postpone until the twenty-eighth legislative day the motion offered by Rep. Spratt to reconsider the bill, H. 29 as amended and the pending amendment, was tabled.

Yeas 44; Nays 39.

Yeas:

Mr. Speaker, Bachus, Beers, Biddle, Bowling, Box, Brooks, Browder, Buskey (JL), Carter, Clark (J), Coburn, Coleman, Cosby, Davis, Escott, Fuller, Gaston, Grouby, Harper, Harvey, Holmes, Hooper, Kvalheim, Marietta, Martin, McMillan, Mikell, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Thomas, Turner, White (G) and Zoghby.

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Nays:

Reps. Albright, Blake, Blakeney, Boles, Brakefield, Bryant, Burke, Buskey (JE), Butler, Clark (D), Crow, Dutton, Faulk, Ford, Goodwin, Grayson, Hall, Hammett, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Lauderdale, Lindsey, Mathis, McDowell, McKee, Mitchell, Payne, Preuitt, Richardson, Sasser, Starr, Trammell, Venable, Warren, White (F) and White (L).

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The question was then on the motion offered by Rep. Spratt to reconsider the vote by which the bill, H. 29 as amended and the pending amendment, to the twenty-ninth legislative day.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 377. To provide conditional appropriations of $14,367,400 to certain state agencies for the fiscal year ending September 30, 1986; and to provide that certain provisions of this act shall be retroactive.

JIMMY CLARK,
Chairman.

And the bill, H. 377 as engrossed, was sent to the Senate.

MOTION TO ADJOURN LOST

The motion offered by Rep. Mathis that the House adjourn until 10:00 o'clock a.m., Thursday, February 13, 1986, was lost.

Yeas 33; Nays 50.

Yeas:

Reps. Albright, Black, Blake, Blakeney, Boles, Brakefield, Bryant, Buskey (JE), Butler, Clark (D), Clark (W), Crow, Dutton, Escott, Faulk, Goodwin, Grayson, Johnson (RG), Lindsey, Mathis, McDowell, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Thomas, Trammell, Venable, White (F) and White(L).

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Nays:

Mr. Speaker, Bachus, Beers, Biddle, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JL), Clark (J), Coburn, Coleman, Cosby, Ford, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Junkins, Kvalheim, Lauderdale, Marietta, Martin, McMillan,

Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Reed, Smith, Spratt, Starkey, Tanner, Turner, Warren, White (G) and Zoghby.

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H. 411 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 411, from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:00 P.M. on February 12, 1986.

H. J. R. 138

H. J. R. 139

H. J. R. 142

H. J. R. 145

H. J. R. 146

H. J. R. 147

H. J. R. 148

H. J. R. 149

H. J. R. 150

H. J. R. 151

H. J. R. 152

H. J. R. 153

H. J. R. 154

H. J. R. 156

H. J. R. 163

H. J. R. 164

H. J. R. 165

H. J. R. 166

H. J. R. 167

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Buskey (JE) and pursuant to the motion heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 13, 1986.

TENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 13, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend David Bentley, First Baptist Church of Tallassee, Tallassee, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Rep. Moore.

At the request of Rep. Davis, leave of absence was granted for Reps. Melton and Newton.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

BILLS ON SECOND READING

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 443. To amend Section 13A-7-29 of the Code of Alabama 1975 relating to criminal littering, so as to provide further for the penalty for such offense.

H. 545. To amend Section 9-8A-4 of the Code of Alabama 1975 relating to the powers of the Alabama agricultural and conservation development commission, so as to grant the power of establishing a private endowment fund and to provide for the regulation of said fund.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 247. Relating to Morgan County; providing further for the expense allowances of the chairman and the members of the county commission; and repealing conflicting laws.

H. 535. To amend the title and Section 1 of Act No. 80-688, H. 1137, of the 1980 Regular Session of the Legislature (Acts 1980, p. 1375), which act provides for hiring and fixing the salaries of certain clerks for the tax assessor and tax collector in Covington County, Alabama, so as to provide further for such salaries and to provide for retroactive effect for said act to October 1, 1982.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 451. (With Amendment): To amend Section 27-29-3, of the Code of Alabama 1975, which relates to the acquisition of control of, or merger with, domestic insurers, so as to limit acquisition of control of an Alabama domiciled insurer without the Insurance Commissioner's approval by providing that after the acquisition of authorized but unissued voting securities of a domestic insurer, the acquiring person shall not own, control or have the right to acquire 10% or more of the total issued and outstanding voting securities of the domestic insurer however acquired.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 506. To amend Sections 27-10-20, 27-10-22, 27-10-24, 27-10-26, 27-10-31 and 27-10-35, Code of Alabama 1975, which relate to surplus line insurance, so as to provide for a premium tax on certain life and disability insurance placed with certain companies not licensed to do business in Alabama; to provide further for licensing of life and disability resident agents as surplus line brokers and for increasing the bond liability sum requirements of surplus line brokers; to amend policy endorsement requirement; to provide further for eligibility requirements of certain non-licensed insurers; to exclude

brokers from payment of surplus line tax on coverage insuring governmental entities; to exempt governmental entities from payment of surplus line tax and to provide for an effective date.

H. 503. To amend Section 27-41-14, Code of Alabama 1975, which provides for investments of life, disability and burial insurance companies, so as to allow said companies to invest in the African Development Bank.

H. 43. To amend Section 27-19-38, Code of Alabama 1975, which provides for dependent coverage of newly born children in health insurance policies issued by nonprofit service corporations, so as to provide that all health insurance contracts issued by insurance companies doing business in this state shall provide coverage for such newly born children.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 3:00 o'clock p.m., Tuesday, February 18, 1986.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Faulk (With Notice and Proof):

H. 554. To authorize the governing body of Butler County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county at an advisory referendum; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 554, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sasser (With Notice and Proof):

H. 555. To authorize the Dale County Board of Health to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Board of Health of Dale County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 555, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sasser (With Notice and Proof):

H. 556. To propose a constitutional amendment to the Constitution of Alabama of 1901, relating to the City of Ozark, Dale County, so as to authorize additonal ad valorem taxes for educational and school construction purposes; to provide the manner of implementing said tax by the municipal governing body of Ozark; to provide for issuing bonds and a referendum; and to provide that this amendment shall become effective immediately upon ratification by the people, pursuant to Amendment 425 of the Constitution of Alabama of 1901.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 556, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

The above bill was read a first time at length as required by the Constitution.

By Rep. Boles:

H. 557. To amend Section 40-18-19 of the Code of Alabama 1975, as amended, relating to exemptions from state income taxes, so as to provide further for such exemptions.

Committee on Ways and Means.

By Rep. Boles (With Notice and Proof):

H. 558. To establish an expense allowance for the County Commissioners of Jefferson County, Alabama, to take effect upon passage, and to repeal Act No. 85-914 of the Legislature of Alabama of 1985.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 558, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. White (G), Seibels, Beers, Perdue, Martin, and Bachus:

H. 559. To propose an amendment to the Constitution of Alabama of 1901 authorizing legislation to permit municipalities and counties to provide for the redevelopment and revitalization of areas within their corporate limits or boundaries by creating tax increment districts; to provide for the payment of all increased ad valorem taxes resulting from such redevelopment or revitalization to the municipality or county which created the district until any indebtedness incurred with respect to such project has been paid; to provide that no such payment shall be made to the extent that it jeopardizes the payment of any bonded indebtedness secured by any tax applicable in the proposed district; to exempt the municipality or county from the provisions of Section 94 of the Constitution with respect to any such project; to provide that any such indebtedness shall not constitute a charge against any constitutional debt limit if it is payable solely from such increased ad valorem taxes; to ratify and approve legislation adopted in

furtherance of the powers hereby conferred; and to provide for the adoption hereof.

Committee on Local Government.

The above bill was read a first time at length as required by the Constitution.

By Reps. White (G), Seibels, Beers, Perdue, Martin, and Bachus:

H. 560. To provide for the redevelopment and revitalization of municipalities and counties in this state and funding the costs thereof through tax increment financing; to authorize the creation of tax increment districts and the adoption of project plans with respect thereto and establish the procedures and requirements therefor; to establish procedures for determining the tax increment and the tax increment base; to permit the amendment of project plans; to provide for allocation of tax increments for such districts to the municipality or county that created the district and for the expiration of such allocations; to provide for the termination of such tax increment districts; to prescribe sources for paying project costs within such districts; to authorize indebtedness to be incurred for such costs, payable from such tax increments, and which may or may not be additionally secured by the full faith and credit of the issuer and other liens or covenants; to permit pay-as-you-go funding of projects; to permit overlapping districts; to provide for calculating the equalized assessment of taxable property within such districts and to permit withholding of tax increments to satisfy prior binding commitments.

Committee on Local Government.

By Reps. Coleman and Rains:

H. 561. To propose an amendment to the Constitution of Alabama of 1901 relating to Marshall County so as to prohibit annexation of territory within Marshall County by out of county municipalities without a vote of the people of Marshall County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hettinger:

H. 562. To provide further for the sale of land or real property where taxes are owed and the redemption of such land or property, so as to provide that interest shall be at the rate of the legal rate of interest prevailing at the time said land or property was sold for taxes; and to provide that the provisions of this act shall be construed in pari materia with all provisions of Title 40, Chapter 10, Code of Alabama 1975, relating to the sale of land and redemption except to the extent there is any conflict.

Committee on Ways and Means.

By Rep. Britnell:

H. 563. To amend section 9-11-257, Code of Alabama 1975, relating to hunting within 100 yards of roads, so as to provide that no person, except

a duly authorized law enforcement officer acting in the line of duty shall hunt from any public road; and to provide penalties for violation thereof.

Committee on Natural Resources.

By Rep. Britnell:

H. 564. To make it unlawful to have any firearm in or on a motor vehicle on a public road or right-of-way during daylight hours unless said firearm is unloaded and in a closed case; to provide that each person in or on a motor vehicle where a violation has occurred shall be deemed a principal and to prescribe penalty for violation.

Committee on Judiciary.

By Rep. Junkins:

H. 565. To further reapportion House District 28, House District 29 and House District 30 of the Alabama Legislature based upon the 1980 census.

Committee on Ways and Means.

By Rep. Turner:

H. 566. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum of confinement, upon conviction, so as to decrease said minimum term; and to provide that any defendant sentenced under the provisions of said section shall serve the entire sentence ordered and shall be ineligible to participate in any supervised intensive restitution program or other similar program during said period of confinement.

Committee on Judiciary.

By Rep. Starr:

H. 567. To exempt the Goodwill Industries of Central Alabama, Inc., of Montgomery from the payment of all state, county and municipal sales and use taxes; and to provide for retroactive effect to October 1, 1985.

Committee on Ways and Means.

By Reps. Preuitt, Sasser, White (L), Laird, and Johnson (RG):

H. 568. To provide that full-time employees and executive officers of the Alabama State Employees' Association and the Alabama Retired State Employees' Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said associations and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state.

Committee on Ways and Means.

By Reps. Lindsey, Crow, Richardson, and Coleman:

H. 569. Relating to the Radio Emergency Association Citizen Team (REACT) organization; to provide for the issuance of distinctive motor vehicle plates for members of said organization; to exempt said tags from ad valorem tax; and to provide for the transfer of such plates, effective October 1, 1985.

Committee on Ways and Means.

By Rep. Pratt:

H. 570. To provide that any person who sells, licenses the use of, or disposes of in any manner the performing rights in or to musical compositions

or dramatic-musical compositions which have been copyrighted under the laws of the United States shall file a copy of each such contract with the Secretary of State; to levy a license tax upon the act or privilege of selling, licensing or otherwise disposing of such performing rights in musical compositions; to provide for the collection and distribution of such license tax; to prohibit discrimination in price or terms between licensees similarly situated; and to prescribe penalties for violations of this act.

Committee on Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rep. Hooper:

H. J. R. 188. DESIGNATING THE OUTDOOR HISTORICAL DRAMA OF THE JASMINE HILL ARTS COUNCIL AS THE OFFICIAL STATE OUTDOOR DRAMA.

WHEREAS, the Jasmine Hill Arts Council is a nonprofit organization founded in 1975 for the purposes of providing a cultural experience for Alabamians and tourist traveling through Alabama, to foster education and an appreciation for the performing arts, to give amateur and professional artists an opportunity to further develop their talents, and to offer wholesome family entertainment in an outdoor setting; and

WHEREAS, the Jasmine Hill Arts Council has for many years presented outdoor drama, musicals, Shakespeare, cultural exchange programs from other countries, and a variety of wholesome family entertainment in its amphitheatre set in the foothills of the Appalachians adjacent to the Greek Gardens, in Elmore County, Alabama; and

WHEREAS, the Jasmine Hill Arts Council has now undertaken the production of a major outdoor historical drama, to be presented each summer, based upon Alabama's unique and diverse cultural heritage; and

WHEREAS, the Jasmine Hill Arts Council Outdoor Historical Drama will provide an entertainment and educational experience for Alabamians and tourists visiting our state; and

WHEREAS, the Jasmine Hill Arts Council Outdoor Historical Drama will promote the economic objectives of the State of Alabama by encouraging tourism, creating job opportunities, and providing a cultural background conducive to industrial development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jasmine Hill Arts Council Outdoor Historical Drama is designated as the official Outdoor Drama for the State of Alabama.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 188, was adopted.

REPORT FILED

Pursuant to Act No. 85-301, House Joint Resolution 188, Co-Chairmen Senator Gerald O. Dial and Representative Richard Laird, submitted the report of the Alabama Legislative Congressional Advisory Committee on the Textile Industry, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bedsole, Aldridge, Amari, Bailey, Barron, Bedford, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 97. WELCOMING THE HMS BATTLEAXE, USS BRISCOE, FGS HESSEN, HMCS OTTAWA AND THE HNEMS TROMP, AND THEIR CREWS, TO THE PORT OF MOBILE AND THE STATE OF ALABAMA.

Also:

By Senator Little:

S. J. R. 101. COMMENDING LARKEIN H. WADE OF AUBURN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Bishop:

S. J. R. 105. COMMENDING BURL HOLLIE "BOJACK" WARREN, JR. OF SUMITON, ALABAMA FOR EXTRAORDINARY COURAGE IN AID OF A LAW ENFORCEMENT OFFICER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 97, S. J. R. 101 and S. J. R. 105, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole, Aldridge, Amari, Bailey, Barron, Bedford, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 89. MOURNING THE DEATH OF C. M. A. ROGERS, III, OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the untimely death of C. M. A. Rogers, III, of Mobile, Alabama, on December 4, 1985, at the age of just 53 years; and

WHEREAS, a native and lifelong resident of Mobile, Max Rogers was a 1954 graduate of Williams College and served on active duty with the United States Air Force for two years prior to entering the University of Alabama School of Law in 1957; and

WHEREAS, Mr. Rogers received the LL.B. degree in 1959, whereupon he entered and was engaged in the private practice of law in Mobile until 1967, at which time he joined the American National Bank and Trust Company of Mobile, rising to the rank of Chairman of the Board and Chief Executive Officer; following the merger of American National Bank and Trust into AmSouth Bank N.A., in 1983, Mr. Rogers continued as Chairman of the Board, Southern Region, until September 1985; and

WHEREAS, in addition to extraordinary service and contribution to the legal and banking professions, Mr. Rogers also distinguished himself in service to the state and community as a member of the Alabama House of Representatives (1961-1966) and subsequently as a member of the Board of Trustees, Mobile Public Library, and of the Policemen and Firefighters Pension and Relief Fund Board; he further served ten years as vice president of the Mobile Area Chamber of Commerce and was a member of the Warrior Tombigbee Development Association and a member and former president of the Industrial Development Board of the City of Mobile; and

WHEREAS, Mr. Rogers extended his involvement to include sustained activities and leadership positions with such organizations as Mobile Community Foundation, Mobile United, Community Chest and Council, United Way of Mobile County, and Boy Scouts of America; he also was an ardent supporter and a leading proponent of both the arts and education communities in the Mobile area and was a member and former vestryman of Saint Paul's Episcopal Church; and

WHEREAS, Max Rogers, who additionally was a founder and original board member of Gulf Coast Public Broadcasting, Inc., was included in such prestigious publications as Who's Who in America, Who's Who in the South and Southwest and Who's Who in Finance and Industry; and

WHEREAS, in 1982, King Boudouin of Belgium bestowed the honor of Knight, Order of the Crown, upon Mr. Rogers who had served as Belgian Consul of Alabama and Northwest Florida from 1970 on, and as Chairman of the Consular Corps of Mobile from 1974 to 1976; and

WHEREAS, C. M. A. Rogers, III, was indeed a first citizen of Mobile and the entire State of Alabama; he was a man of rare generosity and, in singular service to his fellow citizens, left a lasting and bountiful legacy for generations to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of C. M. A. Rogers, III, of Mobile, Alabama, and direct that copies of this resolution be provided for his wife, Gail Whitehurst Rogers; his daughter, Anne R. Gallant; sons, C. M. A. Rogers, IV, and Bradshaw A. Rogers; and other family members whose profound sorrow we sincerely share.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 89, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Figures, Sanders, Hilliard, Langford, and Hand:

S. J. R. 93. MOURNING THE DEATH OF VERNON ZIONCHEK CRAWFORD OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 93, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 63. COMMENDING SUSAN COURTNEY HEDGEPETH, ALABAMA'S JUNIOR MISS 1986.

Also:

By Senator Denton:

S. J. R. 65. PROCLAIMING FEBRUARY AS COMMUNITY COLLEGE MONTH IN ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 63 and S. J. R. 65, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hand:

S. J. R. 88. COMMENDING REESE CATER LEE, 1985 "FREE ENTERPRISE PERSON OF THE YEAR."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 88, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 58. HONORING DARWIN E. SMITH, CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER OF KIMBERLY-CLARK CORPORATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 58, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 49. COMMENDING JANE C. WALKER OF OPELIKA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

Also:

By Senators Little and Dial:

S. J. R. 50. HONORING MRS. BERTHA OVERTON OF WEDOWEE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

By Senators Little and Foshee:

S. J. R. 53. MOURNING THE DEATH OF BELLAIRE KRUDOP OF ANDALUSIA, ALABAMA.

Also:

By Senator Little:

S. J. R. 54. COMMENDING WILBUR L. BLACKMON, LEE COUNTY HISTORIAN.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 49, S. J. R. 50, S. J. R. 53 and S. J. R. 54, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 41. CONGRATULATING THE ALEXANDRIA HIGH SCHOOL VALLEY CUBS, STATE 4A FOOTBALL CHAMPIONS FOR 1985.

Also:

By Senator Aldridge:

S. J. R. 42. NAMING THE BYPASS TO ALABAMA HIGHWAY 20 THE "MARTIN LUTHER KING DRIVE."

Also:

By Senator Goodwin:

S. J. R. 44. COMMENDING GAIL OGLE OF SELMA, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT.

Also:

By Senator Goodwin:

S. J. R. 45. HONORING SELMA, ALABAMA'S, DIAMOND, THE "GREAT AMERICAN DOG."

Also:

By Senators Dixon and Langford:

S. J. R. 48. COMMENDING THE FLOYD JUNIOR HIGH SCHOOL CHEERLEADERS ON THEIR NATIONAL CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in the resolutions, S. J. R. 41, S. J. R. 42, S. J. R. 44, S. J. R. 45 and S. J. R. 48, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 170. COMMENDING THE POLLARD-McCALL JUNIOR HIGH SCHOOL BASKETBALL TEAMS FOR OUTSTANDING ACHIEVEMENTS.

Also:

H. J. R. 171. COMMENDING CLARENCE DRIVER OF BIRMINGHAM, ALABAMA, ON HIS LONG AND DISTINGUISHED CAREER WITH ROBERTS AND SONS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Covington:

S. J. R. 72. COMMENDING MILLIE MURPHREE OF OZARK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Covington:

S. J. R. 73. COMMENDING STELLA TONEY WHITEHEAD OF DALE COUNTY, ALABAMA, OZARK VOTERS LEAGUE'S WOMAN OF THE YEAR.

Also:

By Senator Covington:

S. J. R. 74. COMMENDING JACOB NELSON McLEOD OF DALE COUNTY, ALABAMA, OZARK VOTERS LEAGUE'S MAN OF THE YEAR.

Also:

By Senator Teague:

S. J. R. 76. ENDORSING THE PROCLAMATION OF JANUARY 1986 AS MEDICAL EYE MONTH.

Also:

By Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cooley, Corbett, Covington, deGraffenried, Denton,

Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), and Strong:

S. J. R. 77. MOURNING THE DEATH OF MRS. FLORENCE SANSON CABANISS OF BIRMINGHAM, ALABAMA.

Also:

By Senator Barron:

S. J. R. 78. COMMENDING ROBERT D. WORD, JR., OF SCOTTSBORO, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 72, S. J. R. 73, S. J. R. 74, S. J. R. 76, S. J. R. 77 and S. J. R. 78, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Goodwin, Parsons, Holmes and Smith (J):

S. J. R. 47. CALLING FOR THE DEATH PENALTY FOR "KINGPINS" IN DRUG TRAFFICKING CASES ON THE FEDERAL LEVEL.

WHEREAS, there are thousands of murders, robberies, and crimes of all types committed daily which are the direct result of drug trafficking in our country today; and

WHEREAS, the importation and sale of illegal drugs is a multi-billion dollar industry carried out and fostered by large organized crime figures who operate with total disregard for human life and the laws that our society has to protect us from such evils; and

WHEREAS, the United States Congress passed Section 848 of Title 21, United States Code which was enacted as part of the Comprehensive Drug Abuse Prevention and Control Act of 1970 which is known as the Continuing Criminal Enterprise Statute.

WHEREAS, this statute was intended to provide federal prosecutors with the means of reaching the organizers, managers, and supervisors of major drug trafficking organizations with the penalty of a maximum of life imprisonment without opportunity for parole.

WHEREAS, these "kingpins" of the drug trafficking trade who are responsible for this insidious evil continue to debauch our youth and entire population by importing illegal drugs into the United States at an alarming rate; and

WHEREAS, despite gallant attempts by both federal and state authorities to halt this drug trade, it continues and stands as one of the greatest threats to the existence of our society with all socio-economic classes affected;

NOW THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both houses concurring that the Congress of the United States amend the Continuing Criminal Enterprise Statute to add death as the penalty for these "kingpins" who continue to import drugs into this country with total disregard for the crimes and deaths which result from their actions. That there should be enough lawyers in the U.S. Justice Department to devise this death penalty which is the only effective deterrent to the "kingpins" of the drug trade. Be it further resolved that a copy of this Resolution be mailed to each United States Senator and member of the House of Representatives from the State of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The motion offered by Rep. Johnson (RW) to suspend the rules and concur in and adopt the resolution, S. J. R. 47, set out in the above and foregoing Message from the Senate, was lost, lacking a four-fifths vote.

Yeas 36; Nays 13.

Yeas:

Mr. Speaker, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Burke, Clark (D), Crow, Fuller, Gaston, Goodwin, Grouby, Holley, Hooper, Johnson (RW), Laird, Lauderdale, Martin, Mathis, McMillan, Mikell, Onderdonk, Penry, Perdue, Pratt, Preuitt, Rains, Richardson, Smith, Spratt, Starkey, Starr, White (L) and Zoghby.

—36

Nays:

Reps. Beers, Black, Bryant, Clark (J), Grayson, Hammett, Hettinger, Lindsey, Marietta, Rice, Venable, White (F) and White (G).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution S. J. R. 47, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Goodwin, Smith (J), Bedsole, and Holmes:

S. J. R. 46. CALLING FOR THE DEATH PENALTY FOR ACTS OF TREASON AND ESPIONAGE DURING PEACETIME.

WHEREAS, the Constitution of the United States Article III, Section 3 clearly states that "treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." Federal law further dictates that anyone guilty of treason shall be subject to death or other penalties. Treason and espionage are the only offenses for which death is the accepted punishment and death can only be imposed when our country is at war; and

WHEREAS, recently, valuable secrets concerning our country's national security have been sold by certain citizens; in some instances while those individuals were in the service of our country; and

WHEREAS, the security of our precious nation has been placed in jeopardy by the cold-hearted actions of these traitors and immeasurable harm has been done to present and future generations of Americans; and

WHEREAS, thousands of men and women have sacrificed their lives and health defending and preserving our national freedom and to allow future threats to our lives and liberties through treason is intolerable.

NOW THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both houses concurring that the Congress of the United States immediately enact legislation making treasonous acts punishable by death, whether the same be communicated in war or in peace so as to deter any person from considering committing treason, the most heinous crime possible against our material existence. Be it further resolved that a copy of this Resolution be mailed to each United States Senator and member of the House of Representatives from the State of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 46, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hand:

S. J. R. 112. TO REQUEST THE PURCHASING AGENT OF THE STATE OF ALABAMA TO EXAMINE THE EXTENT TO WHICH FOREIGN AND DOMESTIC MADE GOODS ARE PURCHASED BY STATE DEPARTMENTS, AGENCIES, INSTITUTIONS, ENTITIES, AND POLITICAL SUB-DIVISIONS THEREOF.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 112, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Amari and Parsons:

S. J. R. 85. CALLING UPON THE STATE HIGHWAY DEPARTMENT TO REVIEW AND ANALYZE THE CONSTRUCTION OF "CORRIDOR X" AND TO MAKE RECOMMENDATIONS AS TO THE BEST ROUTE.

WHEREAS, in 1978 federal approval of the "Corridor X" highway project connecting Memphis, Tennessee and Birmingham, Jefferson County was secured; and

WHEREAS, this improved transportation system will generate additional industrial, commercial and residential development producing great economic benefits for the Birmingham-Jefferson County area; and

WHEREAS, the construction of "Corridor X" in conjunction with the development of the proposed "Northern Belt Line" will be a socio-economic stimulus to Birmingham-Jefferson County as well as the entire State of Alabama, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request the State Highway Department to review and analyze all pertinent data concerning population growth, suitability of land development, cost of actual highway construction, cost of infra-structure and impact on environment and all other reasonable factors, and coordinate this information with information available through the Jefferson County Commission, City of Birmingham, Birmingham Regional Planning Commission, and UAB-Center for Urban Affairs and any other informative entity necessary to facilitate a final determination so that construction may begin on the "Corridor X" Highway; that the State Highway Department immediately begin and expeditiously conclude any and all environmental impact studies required as to all possible alternate routes under discussion within the corridor from Memphis to Birmingham, Jefferson County; and that the State Highway Department compile the above information and environmental impact studies and incorporate said findings into a comprehensive Birmingham, Jefferson County and State Highway Department transportation system, including in this decision process the coordination of the construction of "Corridor X" in conjunction with the development of the proposed "Northern Belt Line".

BE IF FURTHER RESOLVED, That the State Highway Department make a final determination and recommendation as to the best route for "Corridor X" including with this determination a final environmental impact study as to the particular route selected, and that the department present a copy of their findings and recommendations to the Legislature on or before March 1, 1986, with a copy of their findings and recommendations to be provided all members of the Jefferson County House and Senate delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 85, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Bailey and Strong:

S. 52. Relating to lakes or ponds in this state which are privately owned by three or less owners; to prohibit one owner or his or her guests or licensees from fishing upon any portion of the lake owned by another joint owner without permission of the other joint owner or owners; to provide that persons who violate this act shall be guilty of a violation of trespass in the third degree; and to authorize any landowner to obtain a professional land survey at his or her own expense of the property lying under the lake in order to determine which portion of the lake belongs to the landowner.

Also:

By Senator Dial:

S. 87. To amend sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners In Psychology, so as to provide for increases in certain fees charged by the Board.

Also:

By Senators Strong, Bedsole, Langford, Ellis, Drinkard, and Goodwin:

S. 154. To create the Alabama Turkey Hunters Hall of Fame Board and Museum; to prescribe its purposes, membership and location; to provide for the appointment of its members and for the holding of meetings.

Also:

By Senators Bedford, Little, Aldridge, Amari, and Cooley:

S. 72. To amend Rule 4(e), Alabama Rules of Civil Procedure, under authority of Section 6.11, Article VI, Constitution of Alabama of 1901, so as to provide further for service of process where service is refused or unclaimed.

Also:

By Senator Hilliard:

S. 254. To amend Section 12-3-27, Code of Alabama 1975, which provides for the appointment of law clerks by judges of the courts of appeals, so as to provide that the judges of the courts of criminal appeals may appoint an additional clerk.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and

foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 5 Natural Resources.

S. 87 Health.

S. 154 Natural Resources.

S. 72 Judiciary.

S. 254 Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Bennett, Goodwin, Bedford, Mitchem, Horn, Denton, Ellis, Amari, Teague, Hilliard, Parsons, Bishop, Cabaniss, Drinkard, Foshee, deGraffenried, Little, Dixon, Langford, Bedsole, and Menton:

S. 168. To provide a supplemental appropriation of $7,600,000 to the Department of Pensions and Security from the State General Fund for FY 1985-86 and to provide a conditional appropriation of $6,750,000 to the Department of Pensions and Security from the State General Fund for FY 1985-86 to pay awards made by the Board of Adjustment due to the default of payments to state agencies by the Department of Pensions and Security in FY 1984-85; and to provide that certain provisions of this act shall be retroactive.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 168 Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Bennett and Amari:

S. 30. To provide that a court of this State may require an obligor to post bond, give security, or give some other guarantee to secure the payment of overdue support.

Also:

By Senators Bennett and Amari:

S. 32. To amend sections 38-10-2 through 38-10-9, Code of Alabama 1975, which provide for the Department of Pensions and Security to operate

child support programs, so as to further comply with the requirements of Title IV-D of the Social Security Act; to provide for the enforcement of spousal support as incidental to the enforcement of child support as required by Title IV-D of the Social Security Act; to provide for the establishment and modification of support orders; to provide a definition of collection agent; to provide that the acceptance of aid shall be deemed an assignment to the Department of Pensions and Security of rights to support; to clarify that, in a case where there is a court order of support, the liability for the debt to the department created pursuant to such an assignment of support rights shall apply only with respect to the support payments owed for the period of time during which aid is granted; to provide for the collection and distribution of support; and to provide for the operation of a support program; and designation of the department as the agency to administer income withholding.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 30 Judiciary.

S. 32 Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Dixon (With Notice and Proof):

S. 225. Relating to Montgomery County; to legalize the sale of draft or keg beer or malt beverages.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 225, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 225 Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Barron (With Notice and Proof):

S. 228. Relating to Jackson County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 228, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 228 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Ellis (With Notice and Proof):

S. 18. To amend Act No. 39, H. 67, Second Special Session, 1971 (Acts 1971, p. 4173) to permit the application of chemical substances by aircraft in Shelby County under certain conditions.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 18, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Langford (With Notice and Proof):

S. 33. Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 33, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Cooley (With Notice and Proof):

S. 60. Relating to Cullman County; to amend further Act No. 711, H. 1109, Regular Session 1976 (Acts 1976, p. 991), as amended by Act No. 81-1037, H. 38, Second Special Session 1981 (Special Session Acts 1981, p. 237), and Act No. 85-886, H. 13, Regular Session 1985, which act charges a court cost in criminal cases to be remitted to the juvenile probation fund and the county sheriff's office, so as to charge an additonal $3.00 court cost on each criminal case in the county, the proceeds to be earmarked for juvenile programs, and expenses and subsistence for the juvenile probation officer's office, to specifically repeal Act 85-886, H. 13, 1985 Regular Session, and to provide that this act shall be retroactively effective to September 19, 1985.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Denton (With Notice and Proof):

S. 63. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of St. Florian in Lauderdale County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 63, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 18 Health.

S. 33 Local Legislation No. 4.

S. 60 Local Legislation No. 1.

S. 63 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hand (With Notice and Proof):

S. 185. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in

Baldwin County; to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Gulf Shores.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 185, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 185 Local Legislation No. 1.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Britnell and Kennedy:

H. J. R. 189. PROCLAIMING FEBRUARY AS COMMUNITY, JUNIOR AND TECHNICAL COLLEGE MONTH IN ALABAMA.

WHEREAS, Alabama's community, junior, and technical colleges were established in 1963 to provide quality, affordable, accessible education that meets the needs of local citizens and businesses; and

WHEREAS, 41 community, junior, and technical colleges throughout the state offer access to and opportunity for higher education for all the citizens of Alabama; and

WHEREAS, opportunity with excellence is the philosophy of these community-based institutions of higher education; and

WHEREAS, the associate degree is the key to further education, personal growth, employment, and success; and

WHEREAS, nearly 10,000 associate degrees will be awarded in 1986 to students completing work in both occupational and academic programs; and

WHEREAS, business and industry seek partnerships with the two-year institutions in providing training and retraining for employees; and

WHEREAS, the community, junior, and technical colleges have had a significant impact on the economic development of this state; and

WHEREAS, February has been designated as National Community College Month by the United States Congress and the President of the United States:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, we do hereby join with Dr. Charles Payne, Chancellor, and the State Board of Education in proclaiming February as Community, Junior and Technical College Month in Alabama

and urge all citizens of this state to join in recognizing the value and importance of the associate degree, as well as the opportunity for lifelong education, retraining, and community services provided by Alabama's community, junior and technical colleges.

On motion of Rep. Britnell, the rules were suspended and the resolution, H. J. R. 189, was adopted.

Also:

By Reps. Grouby, Starr, McKee, Buskey (JL), Hooper, Holmes, Clark (J) and Holley:

H. J. R. 190. COMMENDING ADA KATE MORGAN FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE COMMUNITY.

WHEREAS, the retirement of Ada Kate Morgan brings to a close a distinguished career of 45 years service with the State of Alabama, during which tenure her name has become synonymous with "service to people"; and

WHEREAS, a native of Union Springs, Bullock County, Alabama, Mrs. Morgan holds the Bachelors degree from Troy State University and taught school in Andalusia upon graduation from that university; and

WHEREAS, in 1945, she began her social work career with the Bullock County Department of Pensions and Security where she became Director; she later attended the University of Chicago, acquiring the Masters degree in Social Work in 1953, whereupon she became Director in the Montgomery County Department of Pensions and Security; and

WHEREAS, a member of the Academy of Certified Social Workers and licensed by the State of Alabama, Mrs. Morgan was instrumental in creating the School of Social Work at the University of Alabama by joining others in lobbying in the Alabama Legislature for passage of the 1965 Act creating said School of Social Work which was established in 1966; and

WHEREAS, she further was instrumentally involved in the organization of what is now the Alabama Association of County Directors and was an author of the original Constitution and By-Laws for this professional organization; she served as president from 1956-1958 and has subsequently chaired a number of AACD committees and is a past president of the Alabama Conference of Social Work, and has served as an officer of the American Public Welfare Association; and

WHEREAS, Mrs. Morgan, in addition to her professional duties and responsibilities, also has assumed a position of civic and community leadership in her home county where she serves on the Hospital Board, Mental Health Authority and with other agencies, working diligently to improve services available to all people of Bullock County; and

WHEREAS, she has been recognized as Union Springs' "Woman of the Year"; is listed in "Who's Who of American Women"; and is the recipient of numerous other honors and awards attesting to her dedicated service to her profession and the community; and

WHEREAS, Ada Kate Morgan is indeed a distinguished member of her profession, an exemplary public servant and community leader, and the many

lives she has touched and influenced through the years will stand as a testimony to her willingness to give of herself to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ada Kate Morgan for outstanding service to the State of Alabama and all citizens thereof.

BE IT FURTHER RESOLVED, That in small token of our deep admiration, and our gratitude for dedicated labors, a copy of this resolution shall be presented to Mrs. Morgan whom we hold in highest regard.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 190, was adopted.

Also:

By Reps. Kennedy, Clark (W) and Buskey (JE):

H. J. R. 191. MOURNING THE DEATH OF ELDER BARBARA JEAN THOMAS OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the untimely death of Barbara Jean Thomas of Mobile, Alabama, on January 10, 1986, at the early age of just 43 years; and

WHEREAS, Barbara Thomas, a native Mobilian, was the beloved daughter of the late James Grant and Mrs. Luvenia Grant by whom she is survived; in addition to her mother, she also leaves her fiance, Dr. Cornelius Woods of Mobile; and

WHEREAS, Elder Thomas, who was an employee of the Mobile County Public School System, further was the founder of Miracle Temple of the Living God, Incorporated, of Mobile; the organizer of the Mobile Community Prayer Band; and the director of the Interdenominational Women's Council; and

WHEREAS, Barbara Jean Thomas was indeed an influential leader in the civic and religious communities of the Mobile area and her loss is yet deeply felt in the hearts of all those whose lives she touched through spiritual guidance, and in selfless service for the needs and well-being of humankind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Barbara Jean Thomas of Mobile, Alabama, and extend sincere and deepest sympathy to her mother, Mrs. Luvenia Grant, and her fiance, Dr. Cornelius Woods, whose deep sorrow we share and for whom copies of this resolution shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 191, was adopted.

Also:

By Reps. Kennedy, Zoghby, Buskey (JE), Clark (W), Turner, Box, Harper, Gaston, Kvalheim and Marietta:

H. J. R. 192. COMMENDING ELAINE ROUSSOS OF MOBILE, ALABAMA, 1985 FIRST LADY OF MOBILE.

WHEREAS, it is noted with highest commendation the selection of Elaine Roussos of Mobile, Alabama, by the City Council of Beta Sigma Phi Sorority, as First Lady of Mobile for 1985, a prestigious honor bestowed in recognition of Mrs. Roussos' numerous accomplishments and community contributions; and

WHEREAS, Mrs. Roussos, who is a native of Memphis, is a cofounder, in 1983, with her husband, John Roussos, of Helping Hands for the Children, a support group of the Children's and Women's Hospital of South Alabama at the University of South Alabama Medical Center; and

WHEREAS, in serving as president of the board of directors of Helping Hands, Elaine Roussos is instrumentally involved with all activities of the organization, including major fund-raising events, and works closely with the marketing/information programs at USAMC; and

WHEREAS, her community activities also include service as coordinator of the Society of Wisdom volunteer service for the Annunciation Greek Orthodox Church; president of the Ladies Philoptochos Society which gives aid to individuals, charities and their church; volunteer involvement for the Loaves and Fish Program; and participation in Church Women United; and

WHEREAS, Mrs. Elaine Roussos, who is the recipient also of the Mobile Press M. O. Beale Scroll of Merit, is indeed an outstanding community and civic leader of the Mobile area and is deserving of highest praise for her many accomplishments on behalf of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary community service, we hereby most highly commend the First Lady of Mobile, 1985, Mrs. Elaine Roussos, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 192, was adopted.

Also:

By Rep. Rice:

H. J. R. 193. COMMENDING COACH JOE WILSON AND THE OPELIKA HIGH SCHOOL BULLDOGS ON THEIR PHENOMENAL PERFECT SEASON RECORD FOR 1985.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates the Opelika High School varsity football team on its perfect season record (10-0) for 1985; and

WHEREAS, leading the Bulldogs to Opelika's first undefeated season since 1945 was Head Coach Joe Wilson in his fourth season at Opelika High School and who stands 172-77-3 during his 24-year coaching career; and

WHEREAS, following the '85 season opener which ended in a 21-7 victory over Carroll High School, Opelika faced a schedule of formidable opponents who, one-by-one, yielded to the Bulldogs' superiority on the gridiron: Valley (17-13), Selma (42-14), Lanett (42-7), Carver (28-7), Russell (33-0), Handley (35-8), Tuskegee (42-6), Central (7-3) and Auburn (35-10); and

WHEREAS, with the victory under their belts in their final regular season game, the Bulldogs captured the Class 6A, Area Championship to bring great honor to their school and to the City of Opelika; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Joe Wilson and the Opelika High School Bulldogs, 6A Area Champions, on their perfect season football record.

BE IT FURTHER RESOLVED, That in recognition of this outstanding accomplishment, copies of this resolution shall be forwarded for appropriate presentation and display at Opelika High.

On motion of Rep. Rice, the rules were suspended and the resolution, H. J. R. 193, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 194. MOURNING THE DEATH OF JAMES HOOD MILLER OF HOKES BLUFF, ALABAMA.

H. R. 184 TAKEN UP

Rep. Hammett offered the motion to adopt the resolution, H. R. 184, which was introduced and temporarily postponed on the ninth legislative day.

RESOLUTION INDEFINITELY POSTPONED

On motion of Rep. Holmes, the resolution, H. R. 184, was indefinitely postponed.

Yeas 55; Nays 26.

Yeas:

Mr. Speaker, Black, Blake, Boles, Bowling, Brakefield, Britnell, Bugg, Burke, Buskey (JE), Carothers, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Escott, Goodwin, Gray, Grayson, Grouby, Harvey, Holmes, Hooper, Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Martin, McDowell, McNair, Newton, Onderdonk, Parker, Perdue, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Warren, White (F), White (G) and White (L).

—55

Nays:

Reps. Bachus, Beasley, Butler, Cosby, Dutton, Faulk, Flowers, Gaston, Hammett, Harper, Hettinger, Holley, Johnson (RG), Kvalheim, Marietta, Mathis, McKee, McMillan, Mikell, Mitchell, Payne, Penry, Poole, Turnham, Venable and Zoghby.

—26

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 170. COMMENDING THE POLLARD-McCALL JUNIOR HIGH SCHOOL BASKETBALL TEAMS FOR OUTSTANDING ACHIEVEMENTS.

Also:

H. J. R. 171. COMMENDING CLARENCE DRIVER OF BIRMINGHAM, ALABAMA, ON HIS LONG AND DISTINGUISHED CAREER WITH ROBERTS AND SONS.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rice, the rules were suspended in order to take up out of order the bill, H. 485.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rice, Budget Isolation Resolution relating to H. B. 485, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Blake, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Mikell, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—69

H. 485 TEMPORARILY POSTPONED

On motion of Rep. Turnham, consideration of the bill, H. 485, was temporarily postponed.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turner:

H. R. 195. COMMENDING THE TANNER WILLIAMS ELEMENTARY SCHOOL PARENT-TEACHER ASSOCIATION.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 29. To provide for the "Alabama Safety Belt Use Act of 1986"; to require front seat occupants of passenger cars to wear safety belts; to exempt certain persons from the provisions of this act; to prescribe a penalty for violation of the provisions of the act; and to provide for a phased-in implementation.

As amended and the pending amendment was taken up.

The question was then on the motion offered by Rep. Spratt on the ninth legislative day to reconsider the vote by which the bill, H. 29 as amended and the pending amendment, was postponed to the twenty-ninth legislative day.

SUBSTITUTE MOTION TABLED

On motion of Rep. Box, the substitute motion offered by Rep. Dutton to postpone further consideration of the bill, H. 29 as amended and the pending amendment, to the twenty-seventh legislative day, was tabled.

Yeas 43; Nays 36.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Bowling, Brooks, Browder, Burke, Buskey (JL), Campbell, Carter, Clark (J), Clark (W), Coburn, Coleman, Crow, Fuller, Gaston, Grouby, Harper, Harvey, Holmes, Hooper, Kennedy, Kvalheim, Marietta, Martin, McMillan, Mikell, Nicholson, Parker, Penry, Perdue, Reed, Rice, Spratt, Starkey, Tanner, Turner, Turnham, White (G) and Zoghby.

—43

Nays:

Reps. Albright, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Bugg, Buskey (JE), Butler, Clark (D), Dutton, Faulk, Goodwin, Grayson, Hammett, Hettinger, Johnson (RG), Johnson (RW), Junkins, Lauderdale, Lindsey, McDowell, McKee, Mitchell, Payne, Preuitt, Richardson, Sasser, Smith, Starr, Trammell, Venable, Warren, White (F) and White (L).

—36

The question was again on the motion offered by Rep. Spratt to reconsider the vote by which the bill, H. 29 as amended and the pending amendment, was postponed to the twenty-ninth legislative day, and the motion to reconsider was adopted.

Yeas 51; Nays 38.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Bowling, Box, Brooks, Browder, Buskey (JL), Campbell, Carothers, Carter, Coburn, Coleman, Cosby, Crow, Davis, Escott, Flowers, Fuller, Gaston, Gray, Grouby, Harper, Harvey, Holmes,

Hooper, Kennedy, Kvalheim, Marietta, Martin, McMillan, Mikell, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Reed, Rice, Rogers, Smith, Spratt, Starkey, Tanner, Thomas, Turner, White (G) and Zoghby.

—51

Nays:

Reps. Albright, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Burke, Buskey (JE), Butler, Clark (D), Clark (W), Dutton, Faulk, Goodwin, Grayson, Hammett, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, Mitchell, Payne, Preuitt, Richardson, Sasser, Starr, Trammell, Venable, White (F) and White (L).

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MOTION TO POSTPONE TABLED

On motion of Rep. Box, the motion offered by Rep. Preuitt to postpone further consideration of the bill, H. 29 as amended and the pending amendment to the twenty-ninth legislative day, was tabled.

Yeas 52; Nays 36.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Biddle, Bowling, Box, Brooks, Browder, Buskey (JL), Campbell, Carothers, Carter, Clark (J), Coburn, Coleman, Cosby, Davis, Escott, Fuller, Gaston, Grouby, Harper, Harvey, Holmes, Hooper, Kennedy, Kvalheim, Marietta, Martin, McMillan, Mikell, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Reed, Rice, Rogers, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Warren, White (F), White (G) and Zoghby.

—52

Nays:

Reps. Albright, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Burke, Butler, Clark (D), Clark, (W), Crow, Dutton, Faulk, Goodwin, Grayson, Hammett, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Lauderdale, Lindsey, Mathis, McDowell, McKee, Mitchell, Payne, Richardson, Sasser, Smith, Starr, Trammell, Venable and White (L).

—36

The question was then on the amendment offered by Rep. Beers to the bill, H. 29 as amended, on the eighth legislative day.

SUBSTITUTE AMENDMENT OFFERED

Rep. Beers offered the following substitute amendment to the amendment offered by him on the eighth legislative day to the bill, H. 29 as amended:

Amend House Bill 29 after Section 9 on page 3 by adding a new Section 10 and renumbering subsequent sections accordingly.

And substituting in lieu thereof the following:

Section 10. Provisions of this act shall be inoperative until passage in Alabama would put the number of citizens, based on the latest federal

decennial census, living in states mandating seat belt usage, at two-thirds or more of the total citizens living in all the fifty states.

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 60; Nays 17.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Boles, Bowling, Britnell, Brooks, Browder, Bryant, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RW), Kvalheim, Laird, Lauderdale, Marietta, Martin, McKee, McMillan, McNair, Mikell, Nicholson, Parker, Penry, Poole, Reed, Rice, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—60

Nays:

Reps. Albright, Bachus, Blake, Brakefield, Grayson, Holley, Johnson (RG), Junkins, Lindsey, Mathis, Mitchell, Preuitt, Rains, Richardson, Sasser, Seibels and White (L).

—17

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 29 as amended:

Amend House Bill 29, page 2, beginning on line 22 by striking Section 6 in its entirety and substituting in lieu thereof the following:

Section 6. Failure to wear a safety belt in violation of this act shall not be considered or admitted as evidence of contributory negligence and shall not be considered or admitted as evidence to limit liability or mitigate damages.

MOTION TO TABLE LOST

The motion offered by Rep. Brooks to table the amendment offered by Rep. Onderdonk to the bill, H. 29 as amended, was lost.

Yeas 11; Nays 66.

Yeas:

Reps. Adams, Brooks, Clark (J), Cosby, Dutton, Flowers, Harvey, Johnson (RG), Rains, Richardson and Starkey.

—11

Nays:

Mr. Speaker, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (D), Clark (W), Coburn, Coleman, Crow,

Faulk, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Rice, Seibels, Spratt, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—66

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Onderdonk to the bill, H. 29 as amended, and the amendment was adopted.

Yeas 81; Nays 8.

Yeas:

Mr. Speaker, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—81

Nays:

Reps. Adams, Brooks, Coleman, Cosby, Dutton, Flowers, Hettinger and Poole.

—8

AMENDMENT OFFERED

Rep. Seibels offered the following amendment to the bill, H. 29 as amended:

Amend H. 29 on page 2, line 34 and on page 3, lines 1 through 3 by deleting Section 8 in its entirety, and inserting a new Section 8 to read as follows:

Section 8: The provisions of this Act are inoperative and void unless approved by a majority of the qualified electors voting at an election held thereon on June 3 1986

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 32.

Yeas:

Reps. Albright, Beasley, Biddle, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D),

Clark (W), Coleman, Crow, Dutton, Faulk, Goodwin, Grayson, Hammett, Harvey, Holley, Johnson (RG), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Mitchell, Onderdonk, Payne, Pratt, Preuitt, Rains, Sasser, Seibels, Smith, Spratt, Starr, Turner, Venable, Warren, White (F) and White (L).

—53

Nays:

Mr. Speaker, Adams, Bachus, Boles, Box, Buskey (JL), Campbell, Clark (J), Coburn, Cosby, Gaston, Grouby, Harper, Hettinger, Holmes, Hooper, Johnson (RW), Kvalheim, Marietta, Nicholson, Parker, Penry, Perdue, Poole, Reed, Rice, Rogers, Starkey, Tanner, Trammell, White (G) and Zoghby.

—32

AMENDMENT OFFERED

Rep. Harvey offered the following amendment to the bill, H. 29 as amended:

On page 2, on line 21, after the period insert the following:

The Department of Public Safety shall not consider a violation of this act as an offense for which points shall be assessed which accumulate toward the suspension of a driver's license.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 7.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Goodwin, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Nicholson, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—66

Nays:

Reps. Campbell, Gaston, Harper, Kvalheim, Marietta, Reed and Tanner.

—7

AMENDMENT OFFERED

Rep. Tanner offered the following amendment to the bill, H. 29 as amended:

Amend H. B. 29 on page 3, Section 8, line 12 by (striking) after the word(s) June 3, 1986 and inserting in lieu thereof, the following: The next statewide general election to be held after the Nov. 4, 1986 general election.

MOTION TO POSTPONE TABLED

On motion of Rep. Box, the motion offered by Rep. Dutton to postpone further consideration of the bill, H. 29 as amended and the pending amendment, to the twenty-sixth legislative day, was tabled.

Yeas 38; Nays 37.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Bowling, Box, Browder, Campbell, Carothers, Carter, Coburn, Gaston, Gray, Harper, Hooper, Johnson (RW), Kennedy, Kvalheim, Laird, Marietta, Martin, McMillan, Mikell, Nicholson, Parker, Penry, Perdue, Poole, Rice, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, White (G) and Zoghby.

—38

Nays:

Reps. Albright, Biddle, Blake, Boles, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Clark (D), Clark (W), Coleman, Crow, Dutton, Goodwin, Grayson, Hammett, Harvey, Hettinger, Johnson (RG), Junkins, Lauderdale, Lindsey, McKee, Payne, Pratt, Preuitt, Richardson, Sasser, Starr, Trammell, Venable, Warren and White (L).

—37

The question was then on the adoption of the amendment offered by Rep. Tanner to the bill, H. 29 as amended.

MOTION TO TABLE LOST

The motion offered by Rep. White (L) to table the amendment offered by Rep. Tanner to the bill, H. 29 as amended, was lost.

Yeas 38; Nays 43.

Yeas:

Reps. Albright, Beasley, Blake, Boles, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carothers, Clark (W), Coleman, Cosby, Dutton, Faulk, Flowers, Grayson, Hammett, Johnson (RG), Johnson (RW), Junkins, Lindsey, Mathis, McKee, Mikell, Nicholson, Parker, Payne, Preuitt, Richardson, Sasser, Seibels, Starr, Trammell, Turnham, Venable, Warren and White (L).

—38

Nays:

Mr. Speaker, Adams, Bachus, Beers, Blakeney, Box, Brakefield, Britnell, Browder, Burke, Campbell, Carter, Clark (D), Clark (J), Coburn, Crow, Fuller, Gaston, Goodwin, Gray, Harper, Harvey, Hettinger, Holley, Hooper, Kvalheim, Laird, Lauderdale, Marietta, Martin, McMillan, Onderdonk, Penry, Perdue, Poole, Rice, Smith, Spratt, Starkey, Tanner, Turner, White (G) and Zoghby.

—43

AMENDMENT ADOPTED

The question was again on the amendment offered by Rep. Tanner to the bill, H. 29 as amended, and the amendment was adopted.

Yeas 52; Nays 28.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blakeney, Bowling, Box, Britnell, Browder, Bugg, Burke, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Escott, Fuller, Gaston, Goodwin, Gray, Harper, Harvey, Holley, Hooper, Johnson (RW), Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mitchell, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Reed, Rice, Smith, Spratt, Tanner, Turner, Turnham, Venable, Warren and Zoghby.

—52

Nays:

Reps. Blake, Boles, Brakefield, Bryant, Butler, Dutton, Faulk, Flowers, Hammett, Hettinger, Johnson (RG), Junkins, Laird, Lindsey, Mathis, McKee, Nicholson, Parker, Preuitt, Rains, Richardson, Sasser, Seibels, Starr, Trammell, White (F), White (G) and White (L).

—28

And the bill, H. 29 as amended, was read a third time at length and lost.

Yeas 41; Nays 51.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Bowling, Box, Brooks, Browder, Carter, Clark (J), Coburn, Cosby, Davis, Escott, Fuller, Gaston, Gray, Harper, Hooper, Johnson (RW), Kennedy, Kvalheim, Marietta, Martin, Mikell, Nicholson, Parker, Perdue, Reed, Rice, Rogers, Seibels, Spratt, Starkey, Tanner, Turner, Turnham, White (G) and Zoghby.

—41

Nays:

Reps. Albright, Biddle, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Clark (D), Clark (W), Coleman, Crow, Dutton, Faulk, Flowers, Ford, Goodwin, Grayson, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Lauderdale, Lindsey, Mathis, McDowell, McKee, McMillan, Mitchell, Onderdonk, Payne, Penry, Poole, Pratt, Preuitt, Richardson, Sasser, Smith, Starr, Trammell, Venable, Warren, White (F) and White (L).

—51

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Albright offered the motion to reconsider the vote by which the bill, H. 29 as amended, was lost, and to table the motion to reconsider, and the motion to table was adopted.

Yeas 47; Nays 40.

Yeas:

Reps. Albright, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Clark (D), Cosby, Crow, Dutton, Escott,

Faulk, Flowers, Goodwin, Grayson, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, Mitchell, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starr, Trammell, Venable, Warren, White (F) and White (L).

—47

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Box, Brooks, Browder, Buskey (JL), Carter, Clark (J), Coleman, Fuller, Gaston, Harper, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Marietta, Martin, McMillan, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Reed, Rogers, Smith, Spratt, Starkey, Tanner, Turner, Turnham, White (G) and Zoghby.

—40

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Hall would have voted "Nay" on the bill, H. 29 as amended, had he been in the Chamber at the time of voting.

And the bill:

H. 106. To prohibit certain activities related to tampering with meters and other facilities of public utilities furnishing utility services or otherwise diverting or using utility services unlawfully; to provide felony criminal punishment for violations; and to provide that the provisions of this act are cumulative to Section 13A-8-10, Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 66; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Hettinger, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Nicholson, Onderdonk, Penry, Poole, Pratt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (G) and Zoghby.

—66

Nays: Reps. Boles and Holley. —2

MOTION TO ADJOURN LOST

The motion offered by Rep. Buskey (JE) that the House adjourn until 3:00 o'clock p.m. Tuesday, February 18, 1986, was lost.

Yeas 29; Nays 34.

Yeas:

Reps. Adams, Black, Blake, Bowling, Brakefield, Britnell, Bryant, Buskey (JE), Clark (D), Clark (W), Davis, Faulk, Goodwin, Grayson, Johnson (RW),

Kennedy, Lauderdale, Martin, Mathis, McDowell, Parker, Perdue, Preuitt, Rains, Rogers, Sasser, Spratt, Starkey and Turner.

—29

Nays:

Mr. Speaker, Albright, Bachus, Beasley, Biddle, Blakeney, Brooks, Carothers, Clark (J), Coleman, Cosby, Fuller, Gaston, Gray, Grouby, Hammett, Hettinger, Holley, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, McKee, McMillan, Nicholson, Onderdonk, Penry, Poole, Richardson, Seibels, Starr, White (G), and Zoghby.

—34

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Kvalheim to suspend the rules in order to take up out of order the bill, H. 341, was lost.

Yeas 3; Nays 4.

Yeas: Reps. Gaston, Turner and Zoghby. —3

Nays: Reps. Box, Buskey (JE), Clark (W) and Kennedy. —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to H. B. 278, was adopted.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Clark (D), Clark (W), Crow, Faulk, Gaston, Goodwin, Grayson, Grouby, Hettinger, Holley, Hooper, Nicholson, Onderdonk, Poole, Rains, Seibels, Starkey, Starr and Zoghby.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 278. Relating to Calhoun County; providing for an increase in salary for the part-time bailiffs of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Blake, Bowling, Britnell, Brooks, Butler, Campbell, Clark (D), Crow, Fuller, Gaston, Goodwin, Grayson, Grouby, Hettinger, Kennedy, Kvalheim, Lauderdale, McDowell, Nicholson, Parker, Poole, Rice, Sasser, Seibels, Starkey, Starr, Tanner, Venable, White (G), White (L) and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Faulk, Budget Isolation Resolution relating to H. B. 320, was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Blake, Brakefield, Britnell, Brooks, Butler, Campbell, Carothers, Clark (D), Faulk, Grayson, Grouby, Hettinger, Holley, Hooper, Kennedy, Laird, Lauderdale, McDowell, McKee, Nicholson, Onderdonk, Parker, Payne, Poole, Rains, Rice, Seibels, Starkey, Turner, Venable, White (G), White (L) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 320. Relating to the Second Judicial Circuit; the District Attorney shall have the authority to have the investigator and other employees of his office to assist him in the presence of the grand jury except when said jury is deliberating.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blakeney, Britnell, Brooks, Butler, Campbell, Carothers, Clark (D), Coleman, Faulk, Fuller,

Goodwin, Grayson, Grouby, Harvey, Hettinger, Hooper, Kennedy, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Nicholson, Onderdonk, Parker, Poole, Rice, Seibels, Starkey, Starr, Tanner, Turnham, Venable, White (G), White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Faulk, Budget Isolation Resolution relating to H. B. 321, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Biddle, Black, Box, Brakefield, Britnell, Brooks, Butler, Carothers, Clark (D), Coleman, Faulk, Fuller, Grayson, Grouby, Harvey, Hettinger, Holley, Hooper, Kennedy, Kvalheim, Laird, Lindsey, McDowell, McKee, McMillan, Onderdonk, Parker, Poole, Rice, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 321. To amend Act No. 185, S. 91, 1975 Regular Session, which provides for an expense allowance for the circuit court reporter of the Second Judicial Circuit, so as to provide further for said expense allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Brakefield, Britnell, Brooks, Browder, Butler, Carothers, Clark (D), Coleman, Crow, Fuller, Goodwin, Grayson, Grouby, Harvey, Hettinger, Kennedy, Kvalheim, Laird, Lauderdale, Martin, McDowell, McKee, McMillan, Mikell, Onderdonk, Parker, Poole, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to H. B. 357, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Bowling, Brakefield, Britnell, Browder, Butler, Clark (D), Coleman, Crow, Faulk, Goodwin, Grouby, Harvey, Hettinger, Kvalheim, Laird, Lauderdale, McDowell, McKee, McMillan, Mikell, Onderdonk, Parker, Perdue, Poole, Rains, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 357. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, as amended by Act No. 631, H. 410, of the 1983 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Bowling, Brakefield, Browder, Butler, Campbell, Carothers, Clark (D), Coleman, Crow, Faulk, Goodwin, Gray, Harvey, Hettinger, Holley, Junkins, Kennedy, Lauderdale, McMillan, Parker, Perdue, Poole, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Campbell voting "Nay" on the bill, H. 29.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution relating to H. B. 413, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Brakefield, Britnell, Brooks, Bryant, Butler, Carothers, Clark (D), Coleman, Grouby, Hammett, Harvey, Hettinger, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McMillan, Mikell, Parker, Penry, Perdue, Poole, Rains, Rice, Seibels, Spratt, Starkey, Tanner, Turner, Turnham, Venable, White (G) and White (L).

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 413. (With Amendment): Proposing an amendment to the Constitution of 1901, authorizing and enabling the governing body of the City of Jackson, Clarke County, Alabama, to declare the need for the formation of a public corporation to carry out the provisions of the act and to function as a port authority, and to cause same to be organized; providing for its powers and duties; repealing conflicting provisions of this Constitution, 1901.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 413, Page 1, Line 31, by deleting the following language: ~~Tennessee-Tombigbee Waterway~~ and inserting in lieu thereof the following: Tombigbee River

Amend further on Page 2, Line 15, by deleting the following language: ~~competitive bid and~~

Further, on Page 9, Line 5, after the words "of the" by striking the following: ~~Tennessee-Tombigbee Waterway~~ and adding in lieu thereof the following: Tombigbee River

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Butler, Carothers, Clark (D), Coleman, Faulk, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, Mikell, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Rice, Richardson, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 413 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Clark (D), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Mitchell, Nicholson, Onderdonk, Parker, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—73

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coleman, Budget Isolation Resolution relating to H. B. 364, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Brakefield, Britnell, Brooks, Bryant, Butler, Carothers, Clark (D), Coleman, Dutton, Faulk, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Junkins, Kvalheim, Laird, Lauderdale, Martin, Mathis, McDowell, Mikell, Onderdonk, Parker, Perdue, Poole, Rains, Richardson, Seibels, Spratt, Starkey, Tanner, Turnham, Venable, White (G) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 364. Relating to Marshall County; requiring all lodging facilities located in Lake Guntersville State Park to collect certain lodgings taxes as provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Beasley, Brakefield, Britnell, Brooks, Bryant, Bugg, Butler, Carothers, Clark (D), Coleman, Faulk, Gaston, Goodwin, Gray, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Mathis,

McDowell, Mikell, Onderdonk, Parker, Perdue, Poole, Rains, Richardson, Starkey, Starr, Tanner, Turnham, Venable, White (G) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coleman, Budget Isolation Resolution relating to H. B. 400, was adopted.

Yeas 48; Nays 0.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Butler, Carothers, Clark (D), Coleman, Davis, Dutton, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Mathis, Mikell, Newman, Onderdonk, Parker, Poole, Pratt, Rains, Richardson, Seibels, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 400. Relating to Fayette County; to regulate further the expense allowance of the members of Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Butler, Clark (D), Coleman, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McMillan, Mikell, Newman, Onderdonk, Parker, Perdue, Poole, Rains, Richardson, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Pratt:

H. J. R. 196. CONGRATULATING MR. AND MRS. MAURICE ALBERT DEAS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, December 30, 1985, of Mr. and Mrs. Maurice Albert Deas of York, Alabama; and

WHEREAS, in the sight of God, Mr. and Mrs. Deas were joined in wedlock on December 30, 1935, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. Deas were honored by their two daughters, Mrs. William H. Burk and Jeanette Snisky, with a dinner in the couple's home, December 29, 1985, which also was attended by the Deas' seven grandchildren and their great grandson; and

WHEREAS, Mr. Deas, who is a retired employee of Frisco Railroad, and Mrs. Deas, a homemaker, are longtime active members of the First Baptist Church in York; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of York, Alabama, Mr. and Mrs. Maurice Albert Deas, and wish them many more happy years together in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Deas that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 196, was adopted.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 107, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Brakefield, Britnell, Brooks, Bryant, Bugg, Butler, Campbell, Carothers, Clark (D), Clark (W), Escott, Fuller, Gaston,

Goodwin, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McDowell, McKee, McMillan, Mikell, Nicholson, Onderdonk, Parker, Perdue, Poole, Rains, Rice, Sasser, Spratt, Starkey, Starr, Thomas, Turnham, Venable, White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 107. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Clark (D), Clark (W), Coleman, Dutton, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, Mikell, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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MOTION TO ADJOURN LOST

The motion offered by Rep. Goodwin that the House adjourn until 3:00 o'clock p.m., Tuesday, February 18, 1986, was lost.

Yeas 38; Nays 38.

Yeas:

Reps. Adams, Beasley, Black, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Buskey (JL), Clark (D), Clark (W), Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Grayson, Holmes, Kennedy, Lindsey, Martin, Mathis, McDowell, McNair, Mikell, Perdue, Rains, Reed, Richardson, Rogers, Sasser, Spratt, Starkey, Thomas, Trammell and Turner.

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Nays:

Mr. Speaker, Albright, Bachus, Beers, Blakeney, Brooks, Burke, Butler, Campbell, Carothers, Clark (J), Coleman, Cosby, Gaston, Grouby, Hammett,

Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kvalheim, McMillan, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Rice, Seibels, Starr, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—38

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 108, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Clark (D), Clark (J), Clark (W), Cosby, Escott, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Laird, Lauderdale, Mathis, McDowell, McKee, McMillan, Mikell, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Rice, Richardson, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (G) and Zoghby.

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H. 108 INDEFINITELY POSTPONED

On motion of Rep. Hammett, the bill:

H. 108. To provide that a utility may terminate or decline to serve an applicant who is indebted to the utility for similar utility services at a former location or at the present location or where such indebtedness was incurred by a member of the applicant's household.

Was indefinitely postponed.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Buskey (JE), Kennedy and Clark (W):

H. R. 197. COMMENDING REVEREND MICHAEL E. JACKSON ON HIS 9TH YEAR AS PASTOR OF THE AIMWELL BAPTIST CHURCH.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Sasser, Budget Isolation Resolution relating to H. B. 442, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Brakefield, Britnell, Brooks, Browder, Butler, Carothers, Clark (D), Clark (J), Crow, Faulk, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Mathis, McKee, McMillan, Mikell, Nicholson, Onderdonk,

Poole, Rains, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Trammell, Turnham, Venable, White (G), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 442. To propose a constitutional amendment to the Constitution of Alabama of 1901, relating to the City of Ozark, Dale County, so as to authorize additional ad valorem taxes for educational and school construction purposes; to provide the manner of implementing said tax by the municipal governing body of Ozark; to provide for issuing bonds and a referendum; and to provide that this amendment shall become effective immediately upon ratification by the people, pursuant to Amendment 425 of the Constitution of Alabama of 1901.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carothers, Clark (D), Clark (W), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Venable, White (G), White (L) and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to H. B. 133, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Blakeney, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Rice, Richardson, Sasser, Seibels, Spratt, Starkey,

Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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And the bill:

H. 133. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1984 Second Special Session and the 1985 First Special and Regular Sessions of the legislature, as contained in the 1985 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Blakeney, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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ADJOURNMENT

On motion of Rep. Holmes and pursuant to the motion heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, February 18, 1986.

Yeas 41; Nays 36.

Yeas:

Reps. Adams, Black, Bowling, Brakefield, Britnell, Browder, Bryant, Buskey (JE), Buskey (JL), Clark (D), Clark (J), Clark (W), Crow, Davis, Dutton, Ford, Fuller, Goodwin, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Lindsey, Martin, Mathis, McDowell, McNair, Mikell, Newton, Parker, Perdue, Preuitt, Rains, Rogers, Sasser, Spratt, Starkey, Thomas, Turner and White (L).

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Nays:

Mr. Speaker, Albright, Bachus, Blakeney, Brooks, Burke, Butler, Campbell, Carothers, Coleman, Faulk, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Marietta, McKee, McMillan, Nicholson, Onderdonk, Poole, Pratt, Richardson, Smith, Starr, Turnham, Venable, White (G) and Zoghby.

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ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 18, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Harrell Blakeney, Thomasville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 312. To establish the offense of criminal enterprise for the purpose of trafficking in illegal drugs.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 358. (With Amendments): To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, 20-2-76, 20-2-77, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 467. To amend Section 2-7-31 setting up the special awards committee for fairs and providing for duties of the committee and the maximum amount committee members received for per diem and expenses; to delete the maximum amount of per diem and expenses allowed.

H. 499. To transfer the Alabama rapid rail transit commission from the department of economic and community affairs to the highway department.

H. 543. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to authorize the officer's surviving spouse to carry a handgun.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 481. (With Substitute): To provide that whenever any charitable, educational, non-profit or other organization solicits funds from the general public, that a certain percentage of said funds so received must actually be paid over to the organization on whose behalf the funds were solicited; to provide that the office of the attorney general shall enforce the provisions of this act and shall have the power to promulgate rules and regulations and to require the filing of such reports, under oath, as deemed necessary to carry out the provisions of this act; providing penalties.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 531. To amend Sections 11-6-1 and 11-6-2, Code of Alabama 1975, as amended, which relate to the appointment, salary and qualifications of county engineers so as to further provide for the conditions of employment of such county engineers.

H. 536. To authorize the governing body of any county or municipality, or any county and municipality or municipalities to establish historic preservation commissions and architectural review boards in order to preserve and protect buildings, sites, structures, areas and districts of historic significance, architectural, archaeological and aesthetic heritage in the state, and to promote these attractions to tourists and visitors; to provide for the membership, the qualifications and terms, the powers, duties, and appointments to such commissions and boards; to prescribe that certain reporting shall be made to the Alabama Historical Commission and to the local governing bodies; to provide for the reimbursement of expenses of members, the rules of procedures for operations, and notice of meetings; to provide that each commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes; to prescribe that certain restrictions shall be placed on designated properties, and provide exceptions thereto; to provide for appeals and other judicial processes; to preserve certain existing historic development commissions or architectural review boards; to authorize these to be certified with local government status or to assume the powers of this act pursuant to proper ordinance; and to provide that the provisions of this act are cumulative.

H. 559. To propose and amendment to the Constitution of Alabama of 1901 authorizing legislation to permit municipalities and counties to provide for the redevelopment and revitalization of areas within their corporate limits or boundaries by creating tax increment districts; to provide for the payment of all increased ad valorem taxes resulting from such redevelopment or revitalization to the municipality or county which created the district until any indebtedness incurred with respect to such project has been paid; to provide that no such payment shall be made to the extent that it jeopardizes the payment of any bonded indebtedness secured by any tax applicable in the proposed district; to exempt the municipality or county from the provisions of Section 94 of the Constitution with respect to any such project; to provide that any such indebtedness shall not constitute a charge against any constitutional debt limit if it is payable solely from such increased ad valorem taxes; to ratify and approve legislation adopted in furtherance of the powers hereby conferred; and to provide for the adoption hereof.

The above bill was read a second time at length as required by the Constitution.

H. 560. To provide for the redevelopment and revitalization of municipalities and counties in this state and funding the costs thereof through tax increment financing; to authorize the creation of tax increment districts and the adoption of project plans with respect thereto and establish the procedures and requirements therefor; to establish procedures for determining the tax increment and the tax increment base; to permit the amendment of project plans; to provide for allocation of tax increments for such districts to the municipality or county that created the district and for the expiration of such allocations; to provide for the termination of such tax increment districts; to prescribe sources for paying project costs within such districts;

to authorize indebtedness to be incurred for such costs, payable from such tax increments, and which may or may not be additionally secured by the full faith and credit of the issuer and other liens or covenants; to permit pay-as-you-go funding of projects; to permit overlapping districts; to provide for calculating the equalized assessment of taxable property within such districts and to permit withholding of tax increments to satisfy prior binding commitments.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 10:00 o'clock a.m., Thursday, February 20, 1986.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Holmes, Buskey (JL) and Kennedy:

H. J. R. 198. NAMING THE UNIVERSITY CENTER AT ALABAMA STATE UNIVERSITY, MONTGOMERY, ALABAMA, THE "JOHN GARRICK HARDY UNIVERSITY CENTER".

WHEREAS, Dr. John Garrick Hardy is a 1932 graduate of and retired Professor of Sociology for forty-six years at Alabama State University; and

WHEREAS, Dr. Hardy, in further distinguished achievement, was the first Black graduate of a publicly supported, historically Black college (Alabama State College) to receive the Master's degree from Iowa State University and the first to receive the Ph. D. degree from the University of Wisconsin; and

WHEREAS, Dr. Hardy also served as a teacher, Assistant Principal and Principal of the Laboratory High School and, with distinction, as Dean of the Jr. College Divisions, Dean of the Freshman Division and as Director of the Student Personnel Department; and

WHEREAS, Dr. Hardy organized and coordinated the Homecoming Parade and activities for 35 years; the Annual High School Statewide Academic Meet which was held for over 15 years; and the Annual High School Visitation Day activities; and

WHEREAS, during his tenure as a student at Alabama State, Dr. Hardy served as Student Manager and Booking Agent of the Bama State Collegians, Revelers and Cavaliers school orchestras; and

WHEREAS, Dr. Hardy served as official recruiter for athletes who participated in all sports, and as Coach of the Varsity Debate Teams and advisor to many student organizations, including the Student Government Association; he initiated and implemented the program for selecting students for Who's Who Among Students in American Colleges and Universities, and directed the Dramatics Guild; and

WHEREAS, Dr. Hardy, who also served as Alumni Secretary and Public Relations Director, was consistently active in service on faculty and University-wide committees—serving with distinction on PROJECTION '63, Commencement committees, Homecoming committees, faculty committees, and as Chairman of the Reaffirmation Self-Study Steering Committee; and

WHEREAS, Dr. Hardy formulated plans for the Faculty Club, organized and implemented plans for the Faculty Council, organized and implemented plans for the Faculty Assembly and Senate and served as Chairman of the Faculty Advisory Committee for several years; and

WHEREAS, Dr. Hardy holds membership in numerous professional, civic, social and religious organizations on the local, state, and national levels and holds fellow status in the American Sociological Association, Social-Psychological Section of the American Sociological Association, The Society for Applied Anthropology and the General Education Board; and

WHEREAS, Dr. Hardy is listed in Who's Who in American Education, Who's Who in Education in South and West and Who's Who in Education in the South; and

WHEREAS, Dr. Hardy has been rated consistently active and outstanding in his service to civic, professional and social activities which resulted in his receiving several appointments to committees by the President of the United States and the Governor of Alabama as well as other appointments to many local, state and national committees; and

WHEREAS, Dr. Hardy is widely rated as highly dependable, loyal and supportive of Alabama State University and, over the years, has inspired, molded, assisted and served in numerous ways thousands of students, alumni and colleagues who hold him in high esteem; and

WHEREAS, as herein and above expressed, the Board of Trustees for Alabama State University wishes to name the University Center the "JOHN GARRICK HARDY UNIVERSITY CENTER"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation with Alabama State University and in recognition of outstanding contributions and services to said University, we hereby name and designate the University Center at Alabama State University, Montgomery, Alabama, the "JOHN GARRICK HARDY UNIVERSITY CENTER."

BE IT FURTHER RESOLVED, That the officials of Alabama State University are authorized to erect and maintain appropriate signs and markers so designating said center, and that copies of this honorary designation of the Legislature shall be forwarded to the Alabama State University Board of Trustees and to Dr. John Garrick Hardy.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 198, was adopted.

Also:

By Rep. Johnson (RW):

H. J. R. 199. COMMENDING DR. TOMMY RUSSELL OF THE UNIVERSITY OF ALABAMA FACULTY.

WHEREAS, in a desire to recognize Alabamians of exceptional professionalism and achievement, the Legislature of Alabama records with highest commendation the notable contributions of Dr. Tommy Russell to the faculty and students of the University of Alabama; and

WHEREAS, a graduate of Livingston State University with the Bachelor of Science degree and of the University of Alabama with the Master's degree,

Dr. Russell also received the Doctor of Education degree from the University where he pursued double majors in Special Education and Curriculum Study and Research, and minored in both Child Development and School Administration; and

WHEREAS, a former teacher and special education coordinator with the Bay County, Florida, schools and a curriculum consultant for the Bay County Board of Education, Dr. Russell joined the University of Alabama faculty as Professor and Chairperson of the Mental Retardation Program, Area of Special Education, College of Education, in 1968; and

WHEREAS, Dr. Russell, during his distinguished tenure with the University, has indeed achieved acclaim as an outstanding expert in his field and, as such, has conducted innumerable workshops and served in various consultant capacities throughout the Southeast and nationwide; and

WHEREAS, he further has served in office and in other leadership capacities with a number of professional organizations and, through such dedicated involvement, has become a role model for those who seek to recognize the plight and serve the needs of the handicapped in today's society; and

WHEREAS, his consuming desire to aid the special needs of our "special" citizens is reflected, as well, in Dr. Russell's establishment of a class for the mentally retarded at First Baptist Church of Tuscaloosa, and through other endeavors in the community on behalf of the handicapped; and

WHEREAS, he also has authored many professional articles and reports which have appeared in both regional and national publications; and

WHEREAS, additionally, he is the recipient of such prestigious honors, among others, as the Commitment to Teaching Award, which was presented by the University of Alabama National Alumni Association, and the Alpha Brown Award, which was bestowed in recognition of meritorious service by the Alabama Federation Council for Exceptional Children; and

WHEREAS, Dr. Tommy Russell, however, is perhaps held in highest regard by his many students who, under his tutelage, have found their lives changed and redirected toward their mentor's own personal goal of total commitment to the needs of the handicapped; he is a teacher whose students have greatly benefitted from his guidance and who are deeply grateful for his positive impact on their lives and careers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to the University of Alabama, his students and the handicapped of our society, we hereby most highly commend Dr. Tommy Russell, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Johnson (RW), the rules were suspended and the resolution, H. J. R. 199, was adopted.

Also:

By Reps. Hooper, Starr, McKee and Mikell:

H. J. R. 200. COMMENDING THE JUNIOR LEAGUE OF MONTGOMERY ON ITS SIXTIETH ANNIVERSARY OF SERVICE TO THE COMMUNITY.

WHEREAS, February 25, 1986, marks the Sixtieth Anniversary celebration of the Junior League of Montgomery and the organization's six decades of outstanding service to the Montgomery community; and

WHEREAS, founded in 1926, the Junior League of Montgomery, Inc., is a viable part of an international network of 263 Leagues throughout the United States, Canada, Mexico and Great Britain committed to the common purpose of promoting volunteerism, developing the potential of its members for voluntary participation in community affairs and demonstrating the effectiveness of trained volunteers; and

WHEREAS, the Junior League of Montgomery, during these past sixty years, has indeed distinguished itself in accomplishment, and the effectiveness of its members' volunteer efforts is clearly reflected in the League's laudable record of service to the entire Montgomery area; and

WHEREAS, beneficiary to the support of the Montgomery Junior League are the public schools, hospitals, centers for the disabled and elderly, and cultural centers, among numerous other vital community organizations and causes; and

WHEREAS, not only have multiple thousands of dollars been placed in the community, but millions of hours of service have been rendered by League volunteers to support the special needs of deserving Montgomery area citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Junior League of Montgomery, Inc., on its Sixtieth Anniversary and further recognize, support and encourage the observance of February 25, 1986, as "Junior League Day" in the City of Montgomery.

BE IT FURTHER RESOLVED, That in tribute to the League's dedication, vitality and spirit, a copy of this resolution shall be presented to the Junior League of Montgomery, Inc.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 200, was adopted.

H. 488 RE-REFERRED

No objection being offered the Speaker re-referred the bill, H. 488, from the Standing Committee on Ways and Means to the Standing Committee on Judiciary.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Rep. Moore, due to illness.

At the request of Rep. Perdue, leave of absence was granted for Rep. Newton, due to illness.

At the request of Rep. White (L), leave of absence was granted for Rep. Hall, due to a death in the family.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Carter (With Notice and Proof):

H. 571. To provide for the filing for record and the preservation of all orders and decrees made and entered by any Judge of the Circuit Court of the 39th Judicial Circuit.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 571, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Coburn:

H. 572. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

Committee on Ways and Means.

By Reps. White (L) and Turnham:

H. 573. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1987.

Committee on Ways and Means.

By Reps. Turnham and Rice:

H. 574. To authorize each chairman of the Senate and House of Representatives standing committees to select and utilize a legislative intern; to prescribe the qualifications and function of such intern and the expense stipend therefor; to provide that the public institution of higher education at which the intern is a full-time student shall ascribe the rate of credit available for such legislative experience; to provide the circumstances under which the legislative intern may be admitted to the floor of the respective chamber; to prescribe the length of service allowed legislative interns; and to authorize the payment of expenses from funds appropriated as a line item in Auburn University's budget.

Committee on State Administration.

By Rep. Turner (With Notice and Proof):

H. 575. Relating to Mobile County; establishing a branch of the license commissioner's office in the City of Citronelle.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 575, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clark (J):

H. 576. To amend Sections 40-21-53(a) and 40-21-55 to provide that municipal corporations operating on electric or hydroelectric public utility will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Committee on Ways and Means.

By Rep. Faulk (With Notice and Proof):

H. 577. To authorize the governing body of Butler County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county at an advisory referendum; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 577, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sasser (With Notice and Proof):

H. 578. To further authorize and provide for the establishment, maintenance, operation, and financing of a public law library in Dale County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 578, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Penry and McMillan:

H. 579. To amend Section 40-18-19 of the Code of Alabama 1975 relating to income taxation exemptions, so as to provide further for such exemptions for retired U. S. Government foreign service employees or officials.

Committee on Ways and Means.

By Rep. Holmes:

H. 580. To prohibit the Retirement Systems of Alabama from investing their monies or funds in certain business entities which do business in or with South Africa or Namibia.

Committee on Ways and Means.

By Reps. Holley, Drake, Hammett, Fuller, Mathis, Blakeney, Faulk, Campbell, Richardson, Penry, McMillan, Grouby, Cosby, Nicholson, Bryant, and White (F):

H. 581. To amend Section 37-6-18(b) so as to establish the vote of members required in order to dissolve a cooperative.

Committee on Public Utilities and Transportation.

By Reps. Holley, Drake, Hammett, Fuller, Mathis, Blakeney, Faulk, Campbell, Richardson, Penry, McMillan, Grouby, Cosby, Nicholson, Bryant, and White (F):

H. 582. To amend Section 37-6-4 so as to allow a generating or transmission cooperative to use the word "power" in its name in lieu of the words "electric" or "cooperative."

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Committee on Public Utilities and Transportation.

By Rep. Onderdonk:

H. 583. To provide further for the regulation, control, abatement and prevention of environmental problems in the state, including problems resulting from air and water pollution, solid and hazardous waste management activities, coastal area activities, the supply of drinking water, water well drilling and the operation of water and wastewater treatment plants. Specifically, this Act amends Section 22-22A-5, Code of Alabama 1975, as amended, to authorize the Alabama Department of Environmental Management to issue administrative orders assessing civil penalties for violation of laws which it administers; to provide against duplicate and repetitive administrative penalties; to authorize the Alabama Department of Environmental Management or Attorney General to commence civil actions to recover penalties for such violations; and to require that such penalties be deposited to the credit of the general fund; to authorize the Alabama Department of Environmental Management, Attorney General or District Attorneys to commence civil actions to enjoin violations of laws administered by the Alabama Department of Environmental Management; to clarify the authority of the Alabama Department of Environmental Management to enforce the provisions of laws which it administers and to issue licenses. This Act also amends Section 22-22A-7, Code of Alabama 1975, as amended, to provide that administrative action which was or could have been reviewed by the Environmental Management Commission shall not be subject to judicial review in civil or criminal enforcement proceedings; to provide for appeals of rules based on grounds arising at any time; to provide for prompt appeals to circuit court.

This Act also amends Section 22-22A-11, Code of Alabama 1975, as amended, relating to the Alabama Department of Environmental Management Fund to allow for deposit of fines and penalties into the general fund. This Act also amends Sections 9-7-22, 22-22-9, 22-28-22 and 22-23-52, Code of

Alabama 1975, as amended, to repeal provisions relating to civil actions for the recovery of penalties and injunctive relief. This Act also amends Section 22-22-9, Code of Alabama 1975, as amended, to clarify that enforcement provisions are applicable to permits and orders issued by the Alabama Department of Environmental Management; to clarify that certain provisions apply to pollutants as well as sewage, industrial wastes or other wastes; to clarify existing subpoena powers; and to modify the notice requirements for water quality standards. This bill also amends Section 22-22-14, Code of Alabama 1975, as amended, to provide further for the punishment of persons who are convicted of a violation committed after a first conviction. This Act also amends Section 22-28-22, Code of Alabama 1975, as amended, to clarify existing subpoena powers. This Act also amends Section 22-28-23, Code of Alabama 1975, as amended, to provide that local air pollution programs may adopt provisions for administrative assessment of civil penalties and issue permits in lieu of permits from the Department. This Act also amends Section 22-30-19, Code of Alabama 1975, as amended, to repeal provisions relating to administrative assessment of penalties; to permit representatives of the Alabama Department of Environmental Management to enter premises, including transportation facilities, for purposes related to the administration of the Hazardous Wastes Management Act of 1978, including inspection and copying of records required to be maintained; to make criminal a culpable omission in an application, label, manifest, record, report, permit or document and the destruction, alteration, concealment or failure to maintain or file certain documents; and to increase the fines for criminal offenses. This Act also makes clear the legislative intention that the Alabama Department of Environment Management provide notice in the manner prescribed by those laws made expressly applicable to it.

Committee on Judiciary.

By Reps. Onderdonk, Rogers, McNair, Buskey (James), Reed, and Spratt:

H. 584. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers with means of income.

Committee on Ways and Means.

By Reps. Hooper, McKee, and Mikell:

H. 585. To provide further for the distribution of revenues received from any dog track located within the State.

Committee on Ways and Means.

By Reps. Beasley, Mathis, Carothers, Johnson (RG), Faulk, Poole, and Sasser:

H. 586. To amend Section 32-6-254, Code of Alabama 1975, which provides for the use and transferability of distinctive license plates for former prisoners of war, so as to allow the widows of such persons to be entitled to retain said plates.

Committee on State Administration.

By Rep. Campbell:

H. 587. To establish the unit area of an oil and gas field located in Mobile County, Alabama, known as the Hatter's Pond Unit.

Committee on State Administration.

By Rep. Ford:

H. 588. Providing for an advisory board of trustees for the Gadsden State community college in Gadsden, Alabama, and prescribing the terms and manner of appointment of such trustees.

Committee on State Administration.

By Rep. Carter and Butler:

H. 589. To prohibit a municipality not lying entirely or partially in a county from extending its corporate limits or rearranging its boundaries so as to embrace or include within the corporate limits of such municipality any portion of the county without the prior approval of the county commission of the county into which it is extending its boundaries.

Committee on State Administration.

By Reps. Coleman, Mitchell, Marietta, Rice, McKee, Buskey (John), and Turnham:

H. 590. To amend Sections 34-7-1, 34-7-2, 34-7-3, 34-7-4, 34-7-5, 34-7-9, 34-7-11, 34-7-16, and 34-7-40, Code of Alabama 1975, which provide for and regulate the practice of cosmetology, so as to provide further for said practice.

Committee on State Administration.

By Reps. Hooper, McKee, Buskey (John), and Starr (With Notice and Proof):

H. 591. Relating to the County of Montgomery, Alabama; to authorize the County of Montgomery to grant County ad valorem tax exemptions for up to fifteen (15) years to owner-developers who build new commercial or industrial facilities within the downtown business district as defined by the governing body of the City of Montgomery, providing that owner-developers receiving such exemptions shall, however, continue to pay County ad valorem property taxes on such property as was paid in the year preceding the improvement caused by the construction or development of the new commercial or industrial facility; to provide that the tax exemption herein shall not effect any taxes other than County ad valorem taxes; and to provide for the procedures to be followed in the granting of such exemptions.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 591, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Payne and Davis:

H. 592. To amend Section 38-7-2, Code of Alabama 1975, relating to child care, so as to redefine the term "day care home" and provide further therefor.

Committee on Public Welfare.

By Rep. Ford:

H. 593. To amend section 31-2-81 of the Code of Alabama 1975, so as to exempt national guard post exchanges from the payment of operating permit fees.

Committee on Ways and Means.

By Reps. Starr, Hooper, McKee, Mikell, Buskey (John), and Holmes (With Notice and Proof):

H. 594. Relating to Montgomery County; to establish a Retired Employees' Death Benefit Fund on behalf of the retired members of the Montgomery County Retirement System; provide for claims; provide for funding and provide for beneficiary changes associated with the Death Benefit Fund.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 594, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L):

H. 595. To amend Section 12-13-70, Code of Alabama 1975, which relates to supernumerary probate judges, so as to allow a person to transfer and combine service credit as a supernumerary tax assessor to service credit as a supernumerary probate judge if a person has at least 24 years total combined county service, provided no person who so transfers shall be eligible for benefits until age 50.

Committee on Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Reps. Turnham, Drake, Rice, Reed, White (L), Smith, Grayson, Crow, Albright, Beasley, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Goodwin, Grouby, Harper, Harvey, Holley, Johnson (RG), Junkins, Lauderdale, Lindsey, Mathis, McMillan, Mikell, Newman, Onderdonk, Penry, Poole, Pratt, Preuitt, Richardson, Sasser, Spratt, Starr, Thomas, Trammell, Turner, Venable, Warren and White (F).

H. J. R. 201. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO SAVE THE COOPERATIVE EXTENSION SERVICE PROGRAMS IN ALABAMA OPERATED BY LAND-GRANT COLLEGES AND UNIVERSITIES, INCLUDING AUBURN UNIVERSITY, ALABAMA A&M UNIVERSITY AND TUSKEGEE UNIVERSITY.

WHEREAS, the Alabama Legislature is alarmed at the potential catastrophic consequences for our Cooperative Extension Service Programs, located in every county of the State, and which would be caused by the pervasive and disproportionately gigantic budget cuts proposed by the President's Executive Budget and the Gramm-Rudman panacea and the rewording of the Smith-Lever Act by the bureaucratic Office of Management and Budget; and

WHEREAS, the Executive Budget cut would reduce Auburn University's federal funds for Cooperative Extension Programs by 63% and cause approximately 200 persons working in such educational and beneficial programs to lose their jobs; and

WHEREAS, this action would be compounded by another blow to the existence of the Cooperative Extension Programs, by the Executive Budget

entirely gutting funding for vitally needed food and nutrition programs for limited income families and youth, pest management, farmers' financial management and other essential earmarked funding; and

WHEREAS, by rewording the Smith-Lever Act, the Office of Management and Budget proposes to: cut funding by 47%, so that the Cooperative Extension Programs would be rendered negligible in many lifeblood activities; eliminate funding for forestry, 4-H, home economics, community resource development, home horticulture and gardening; restrict work in youth development, family life, community development and forestry, among others—and thus, dragging our State's agribusinesses and farming economics back to the plight of the 1930's; and

WHEREAS, the crossroads, Alabama Grain Resource Opportunities (AGRO) and catfish production programs would be among those victimized by the proposed Executive Budget cuts, exhibiting the bureaucratic lack of recognizing the investment nature and return of extension and research funding; and

WHEREAS, these proposed budget cuts, elimination of essential farm and family programs and the rewording of the Smith-Lever Act sounds the death-knell for the seventy plus years old Land-Grant mission of teaching, research and Extension established by the Morrill, Hatch and Smith-Lever Acts—a tradition of local, state and federal cooperation and effectiveness at its finest—all at the time the Nation's and State's farmers and rural communities barely are surviving and are in desperate need of educational and financial assistance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge our Alabama Congressional delegation to aggressively, vocally and effectively work against the proposed catastrophic Executive Budget cuts and the preposterous action by the Office of Management and Budget of rewording of the Smith-Lever Act, so that our farmers and rural community of the State who already have sacrificed so much may continue to receive the essential survival assistance and education contained in the Cooperative Extension Programs and rural community support systems operated in every county of this State by Auburn University.

RESOLVED FURTHER, That each member of Alabama's Congressional delegation receive a copy of this Resolution and that the same be sent forthwith by the Clerk of the House, so that they may know of our grave concern and the priority with which all our citizens place on the Cooperative Extension Programs.

BE IT FURTHER RESOLVED, That copies also be sent forthwith to President Ronald Reagan and the Chairmen of the House Budget Committee, the House Appropriations Committee, the Senate Budget Committee, the Senate Appropriations Committee, and Governor George C. Wallace.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 201, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 202. COMMENDING THE COLETA VALLEY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 203. COMMENDING THE BLUFF SPRINGS VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 204. COMMENDING THE BARFIELD VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 205. COMMENDING THE ASHLAND VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

The following resolutions were introduced:

By Reps. Cosby, Thomas and Bryant:

H. J. R. 206. COMMENDING THE ALABAMA EMPLOYMENT SERVICE IN SELMA, ALABAMA.

WHEREAS, to be noted with highest commendation is the recent placement productivity award granted the Alabama State Employment Service Center in Selma, Alabama; and

WHEREAS, the Selma agency was recognized for its work in matching 2,157 unemployed people with available jobs from July to December 1985; and

WHEREAS, this commendable record represents the highest productivity for a service district in the entire state, for the six-month period, and averages 267.78 work placements per employee in the Selma district office; and

WHEREAS, Manager Monroe Quinney and his capable staff are indeed deserving of highest praise for their dedicated efforts on behalf of the unemployed, and for their outstanding contribution to the reduction of the high unemployment rate for the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama State Employment Service in Selma, Alabama, for outstanding achievement, and direct that a copy of this resolution be forwarded to Mr. Quinney on behalf of his dedicated staff.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 206, was adopted.

Also:

By Reps. Cosby, Thomas, and Bryant:

H. J. R. 207. COMMENDING ANN MAJORS WOOD OF SELMA, ALABAMA.

WHEREAS, the Legislature of Alabama expresses highest commendation of Ann Majors Wood of the Family and Children's Service at the Dallas County Department of Pensions and Security; and

WHEREAS, Ms. Wood, who is supervisor of the Dallas County department, recently was recognized with the bestowal of the State of Alabama Commissioner's Merit Award and was cited for her assistance to the Selma Police Department in the Spring of 1985; and

WHEREAS, Ms. Wood is credited with resolving a dangerous and potentially volatile situation involving a distraught mental patient who had injured a Selma police officer and had threatened to harm her infant child; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the Alabama Department of Pensions and Security board in expressing highest commendation of Ann Majors Wood for outstanding and heroic actions in assisting the Selma, Alabama, Police Department, and direct that she receive a copy of this resolution, bestowed in sincere admiration and highest personal regard.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 207, was adopted.

Also:

By Reps. Cosby, Thomas and Bryant:

H. J. R. 208. COMMENDING JAMES H. WILLIAMS OF SELMA, ALABAMA, AS "CITIZEN OF THE YEAR."

WHEREAS, in consensus of commendation, the Legislature of Alabama notes the selection of James H. Williams of Selma, Alabama, as "Citizen of the Year," a prestigious designation of Zeta Phi Beta sorority; and

WHEREAS, Dr. Williams, who attended Virginia Union University and dental school at Meharry Medical College in Nashville, Tennessee, has been engaged in the private practice of dentistry in Selma since 1943 and is a member of both the Alabama Dental Society and the National Dental Association; and

WHEREAS, a member of Alpha Phi Alpha fraternity, Dr. Williams also is a charter member of the Brown YMCA board, and of the Pride of Alabama Elks Lodge which he served as treasurer for 23 years; and

WHEREAS, he further is a member of Brown Chapel AME Church, where he has served as steward and lay member of the general conference of the AME church since 1944, and he has served as well on the committee for the Selma municipal complex, as the first president of the Selma-Dallas County Credit Union, and with the Head Start program from its inception until 1985; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with Zeta Phi Beta sorority and the citizens of Selma, Alabama, in honoring Dr. James H. Williams as "Citizen of the Year."

BE IT FURTHER RESOLVED, That in small token of our esteem for his accomplishments and contributions to the community, a copy of this resolution shall be forwarded to Dr. Williams.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 208, was adopted.

Also:

By Rep. Cosby:

H. J. R. 209. COMMENDING DAVID MULLINS OF SELMA, ALABAMA'S EASTER SEAL POSTER CHILD.

WHEREAS, the Legislature of Alabama is pleased to note the selection of David Mullins of Selma, Alabama, as our State Easter Seal Poster Child; and

WHEREAS, seven-year-old David, who is the son of Mr. and Mrs. Ronald Mullins, moved with his family from Paducah, Kentucky, several years ago and is now a first grade student at Cedar Park Elementary School; and

WHEREAS, David Mullins was born with cerebral palsy and was the first child to enter the West Central Alabama Rehabilitation Center's special preschool education program, sponsored by United Way and the Clara Weaver Parrish Trust of Saint Paul's Episcopal Church; and

WHEREAS, David is indeed a shining example of the results of special help for children with developmental problems which enables them to enter regular school classes, and he is an outstanding young ambassador for Alabama in its Easter Seal campaign to aid crippled children and adults; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend David Mullins of Selma, Alabama, as our state Easter Seal Poster Child and direct that both he and his parents receive copies of this resolution, executed in sincere admiration and warmest personal regard.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 209, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. McKee:

H. R. 210. COMMENDING MR. AND MRS. ROY J. GRIMMETT.

Also:

By Rep. McKee:

H. R. 211. COMMENDING MR. AND MRS. ARTHUR LEE JORDAN.

Also:

By Rep. McKee:

H. R. 212. COMMENDING MR. AND MRS. R. M. GRUBBS.

Also:

By Rep. McKee:

H. R. 213. COMMENDING SEAN MICHAEL SMITH.

Also:

The following resolutions were introduced:

By Rep. Reed:

H. J. R. 214. DESIGNATING THE MONTH OF FEBRUARY AS BLACK HISTORY MONTH IN ALABAMA.

WHEREAS, the numerous contributions of Black Americans, throughout the history of our country, are traditionally recognized and acknowledged nationwide during the month of February; and

WHEREAS, further, said contributions and achievements of Blacks have been made in the business world, the military, science, government, sports, medicine, education, entertainment, religion and the arts, among others; and

WHEREAS, most particularly in the state of Alabama have the accomplishments of Blacks had impact on the lives of all Americans and citizens of the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the month of February 1986, and each February thereafter, is hereby designated as Black History Month in the state of Alabama.

BE IT FURTHER RESOLVED, That we also call upon all citizens of this state to annually unite in support and observance of said occasion with appropriate programs and other acknowledgements recognizing the month of February as "Black History Month in Alabama.

On motion of Rep. Reed, the rules were suspended and the resolution, H. J. R. 214, was adopted.

Also:

By Reps. Zoghby, Marietta, Buskey (JE), Harper, Gaston, Kvalheim, Kennedy, Turner, Box and Clark (W):

H. J. R. 215. MOURNING THE DEATH OF MAY GILL CARLIN OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of May Gill Carlin of Mobile, Alabama, on February 9, 1986; and

WHEREAS, a native Mobilian, Mrs. Carlin was a graduate of the University of Alabama with the bachelor's and master's degrees in speech, and served as secretary and vice president of the University Alumni Association for 10 years; she also was the recipient of a scholarship from the University of Alabama at the age of 50 to continue her education and to pursue her master's degree; and

WHEREAS, Mrs. Carlin taught in the Mobile County Public School System for 30 years; at UMS Preparatory School for 18 years; and was affiliated with the Education Division at Brookley Air Force Base for four years; and

WHEREAS, she also taught speech and English at the Mobile Center of the University of Alabama where she worked with deaf children, donating her services to those clients unable to pay; and

WHEREAS, in 1944, Mrs. Carlin organized classes for the physically handicapped in the Mobile Public School System, serving as director of that division, and worked tirelessly to provide statewide education for physically handicapped children; and

WHEREAS, her involvement extended to include leadership activities, as well, with numerous civic, charitable and other community organizations such as the Alabama Legislative Council; American Association of United Women; Kappa Kappa Iota honorary teacher's sorority on the local, state and national levels; Mobile Joint Legislative Council; the Altrusa and Forum Clubs; the Mobile Chapter, Freedoms Foundation; the Woman's Club of Mobile; and was state president of the National League of American Pen Women; and

WHEREAS, Mrs. Carlin was the recipient of such prestigious recognitions as inclusion in "Who's Who of American Women" and the "Dictionary of International Biography", among others; and

WHEREAS, May Gill Carlin was indeed one of Mobile's most prominent and dedicated civic leaders and her death has left a deep void in the life of the community and in the hearts of all those whose lives she touched with genuine care, compassion and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of May Gill Carlin of Mobile, Alabama, and direct that a copy of this resolution of condolence be forwarded to her family that they may know we sincerely share the sorrow of their great and grievous loss.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 215, was adopted.

Also:

By Reps. Carter and Starkey:

H. J. R. 216. MOURNING THE DEATH OF DAWN CORINE ALLFREY OF ATHENS, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the untimely death of Dawn Corine Allfrey of Athens, Alabama, on May 30, 1984, at the early age of just 20 years; and

WHEREAS, Dawn Allfrey, whose young life ended as the result of a tragic automobile accident, was a loving and caring person whose warm, bright smile reflected her love for humankind, as did her many deeds of kindness on behalf of others; and

WHEREAS, Dawn was active with the Girl Scouts for some six years, obtaining most of the program's achievement badges; played trumpet and marched with her high school band for four years; was twice included in "Who's Who Among American High School Students"; and was Vice President of Sub Deb in 1981-82; and

WHEREAS, at the University of North Alabama, she was a member of Zeta Tau Alpha sorority, president of Figi Rush Hostesses and was chairman of the American Heart Association Drive; and

WHEREAS, Dawn Allfrey was a very talented young lady who was bilingual, having lived abroad for many years, and was an excellent swimmer who had worked as a life guard at Point Mallard for four years; and

WHEREAS, she was indeed an extraordinary young lady whose short lifetime was one of selfless service to others, most particularly to the elderly whom she visited often, bringing gifts, to let them know that someone cared; her compassion and concern for others also made her a favorite among her fellow students, her teachers and all those whose lives she touched with great happiness and joy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the generous and loving life of Dawn Corine Allfrey, and direct that a copy of this resolution be forwarded to her parents, Colonel and Mrs. William Allfrey, that they and other family members may know we sincerely share the sorrow of their great and grievous loss.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 216, was adopted.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Martin, Budget Isolation Resolution relating to H. B. 247, was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Brakefield, Brooks, Bryant, Buskey (JE), Campbell, Carothers, Clark (D), Crow, Faulk, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Johnson (RG), Johnson (RW), Kvalheim, Lauderdale, Lindsey, Martin, McMillan, Mikell, Newman, Onderdonk, Penry, Poole, Rains, Reed, Rice, Seibels, Smith, Spratt, Starkey, Starr and White (G).

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 247. Relating to Morgan County; providing further for the expense allowances of the chairman and the members of the county commission; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey (JL), Campbell, Carothers, Clark (D), Clark (J), Coburn, Crow, Faulk, Gaston, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Kvalheim, Lauderdale, Martin, Mathis, McKee, McMillan, Mikell, Newman, Onderdonk, Penry,

Poole, Rains, Reed, Rice, Seibels, Smith, Spratt, Starkey, Starr, Turner, Turnham, Venable and White (G).

—51

Nay: Rep. Parker. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR REMOVED

Rep. Parker was removed as co-sponsor to the bill, H. 247.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 535, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey (JE), Buskey (JL), Butler, Clark (D), Coburn, Crow, Faulk, Fuller, Gaston, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Kennedy, Kvalheim, Laird, McKee, Mikell, Newman, Onderdonk, Parker, Poole, Rains, Reed, Rice, Smith, Spratt, Starkey, Starr, Turner, Turnham and Venable.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 535. To amend the title and Section 1 of Act No. 80-688, H. 1137, of the 1980 Regular Session of the Legislature (Acts 1980, p. 1375), which act provides for hiring and fixing the salaries of certain clerks for the tax assessor and tax collector in Covington County, Alabama, so as to provide further for such salaries and to provide for retroactive effect for said act to October 1, 1982.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Clark (D), Clark (W), Coburn, Crow, Faulk, Fuller, Gaston, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Johnson (RW), Kvalheim, Laird,

Lauderdale, McKee, Mikell, Newman, Onderdonk, Parker, Poole, Rains, Reed, Rice, Seibels, Smith, Spratt, Starkey, Starr, Turnham and Venable.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Junkins, the rules were suspended in order to take up out of order the bill, H. 227.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Junkins, Budget Isolation Resolution relating to H. B. 227, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (D), Clark (J), Coburn, Crow, Faulk, Fuller, Gaston, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Newman, Onderdonk, Parker, Penry, Poole, Rains, Reed, Rice, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable and Zoghby.

—60

And the bill:

H. 227. To name and designate the college resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College as Gadsden Community College.

Was taken up.

SUBSTITUTE OFFERED

Rep. Bugg offered the following substitute to the bill, H. 227:

A BILL
TO BE ENTITLED
AN ACT

To name and designate the college resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College as Gadsden State Community College.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The educational institution resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College in Gadsden, Alabama, shall be named and designated as Gadsden State Community College.

Section 2. This shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beers, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Onderdonk, Parker, Penry, Poole, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—69

And the bill:

H. B. 227. To name and designate the college resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College as Gadsden State Community College.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—73

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to take up out of order the bill, H. 521.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Martin, Budget Isolation Resolution relating to H. B. 521, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers,

Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Newman, Parker, Penry, Poole, Reed, Rice, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—62

And the bill:

H. 521. (With Substitute): To propose an amendment to the Constitution of Alabama of 1901 so as to authorize the governing body of Morgan County to levy and collect an additional special ad valorem property tax of not exceeding 4 mills, for a period of not exceeding twenty-five years, for certain purposes.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901 relating to the levy and collection of an additional special ad valorem property tax in Morgan County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

"The governing body of Morgan County (hereinafter called "the County") shall have the power to levy and collect a special ad valorem property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of the State, at a rate not exceeding 4 mills on each dollar's worth of taxable property in the County as assessed for county taxes; provided, however, that no such tax shall be levied or collected hereunder unless the rate of such tax and the time it is proposed to be continued shall have been first submitted to the qualified electors of the County and voted for by a majority of those voting in such election; provided, further, that if a majority of the qualified electors of the County participating in the election on the ratification of this amendment shall vote for the ratification hereof, then the approval of this amendment expressed by the said vote in favor of its ratification shall of itself authorize the levy and collection of the said tax, without an additional election, at a rate not exceeding 4 mills on each dollar's worth of taxable property and for a period of twenty-five (25) consecutive tax years of the County commencing with the tax year beginning October 1, 1986 (for which county taxes generally will become due and payable on October 1, 1987), and continuing until and including the tax year beginning

October 1, 2010, (for which county taxes generally will become due and payable on October 1, 2011). If the majority of the qualified electors of the County participating in the election on the ratification of this amendment shall not vote in favor of the ratification hereof, or if the majority of the qualified electors of the County voting at any election called by the governing body of the County under the provisions of this amendment shall not vote in favor of the levy of the said tax proposed at the election so called, the governing body of the County may from time to time call other elections hereunder on the levy of the said tax, but not more than one such election shall be held during any period of twelve consecutive months. Each election on the levy of the said tax held subsequent to the ratification of this amendment shall be called, held, conducted and canvassed, and notice thereof shall be given, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections to authorize the issuance of county bonds.

The tax levied and collected hereunder shall not be so levied for a period exceeding twenty-five (25) consecutive tax years of the County. The aforesaid governing body of the County may, notwithstanding any statute or other provision of law requiring that county ad valorem property taxes be levied at a particular time or during a particular period, levy such tax, with respect to the first tax year during which such tax is to be so levied, at any time during such tax year.

The proceeds of the tax levied and collected hereunder shall be used solely for the purpose of paying costs of acquiring or developing industrial sites in the County and of extending and installing streets, roadways and utility services therein and thereto, either directly through the payment of such costs or indirectly through the payment of the principal of and the interest on bonds, warrants, notes or other securities hereafter issued by the County for the purpose of paying such costs. In either of such events, the County may at its option advance, lend or donate all or any portion of said tax proceeds to Decatur—Morgan County Port Authority (hereinafter called "the Authority"), or advance, lend or donate to the Authority all or any portion of the proceeds from the sale of any such bonds, warrants, notes or other securities, in either case solely for use by the Authority for payment of costs of acquiring or developing industrial sites and of so extending and installing streets, roadways and utility services.

If all or any portion of the costs of acquiring any industrial site or other property are paid directly or indirectly out of proceeds from the tax levied and collected hereunder, the title to such property shall be taken in the name of the County or the Authority. Any such property may be leased, sold, exchanged, or otherwise disposed of by the County or the Authority (as the case may be), but may not be sold except in accordance with the applicable provisions of that certain amendment to the Constitution (known as Amendment No. 429) that was proposed by Act No. 82-695 adopted at the 1982 Second Extraordinary Session of the Legislature of Alabama; provided, that with respect to any such property the title to which is in the name of the Authority, any action required by said Amendment No. 429 to be taken by the governing body of the County (or of any municipality in the County) shall instead be taken by the board of directors or other governing body of the Authority.

This amendment shall be construed in pari materia with the aforesaid Amendment No. 429 to the Constitution and with that certain amendment to the Constitution (known as Amendment No. 303) that was proposed by

Act No. 548 adopted at the 1969 Regular Session of the Legislature of Alabama. In exercising any power conferred on it by this amendment, neither the County nor the Authority shall be subject to the provisions of either section 93 or section 94 of the Constitution, as amended. The Legislature shall have the power, by general, local or special act, to enact laws in furtherance of the purposes hereof or otherwise supplemental hereto, any provision of section 104 of the Constitution to the contrary notwithstanding.

It is hereby specifically declared that this amendment is not being proposed pursuant to the provisions of that certain amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and the provisions of the said Amendment 425 are hereby declared to be inapplicable to this amendment."

Section 2. The election upon the proposed amendment is ordered to be held at the next general election after the expiration of three months from final adjournment of the current session of the Legislature. It having been specifically declared in the said proposed amendment that the provisions of Amendment No. 425 to the Constitution of Alabama of 1901, shall be inapplicable to said proposed amendment, the said election shall be held in accordance with the provisions of sections 284 and 285 of the Constitution of Alabama 1901, as amended, and chapter 17 of Title 17 of the Code of Alabama 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the State once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

Section 4. It is hereby expressly provided that the provisions of section 2 of this act supersede any contrary provisions of any act or resolution heretofore enacted or adopted by the Legislature fixing or purporting to fix the date of election on any one or more proposed constitutional amendments and that any such contrary provisions, to the extent applicable to the amendment hereinabove proposed, are hereby repealed. It is hereby further expressly provided that no act or resolution hereafter enacted or adopted by the Legislature fixing or purporting to fix the date of election on any one or more proposed constitutional amendments (a) shall apply to the amendment hereinabove proposed, or (b) shall be construed to amend, alter or repeal in any way the provisions of section 2 of this act, unless (i) specific reference to this act and the amendment hereinabove proposed is made in such subsequent act or resolution, and (ii) it appears unequivocally from the explicit provisions of such subsequent act or resolution that such act or resolution is intended by the Legislature to fix an election date on the amendment hereinabove proposed other than the election date fixed in section 2 of this act.

And the substitute was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn,

Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Newman, Parker, Penry, Perdue, Poole, Pratt, Rice, Richardson, Rogers, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—73

And the bill:

H. 521. To propose an amendment to the Constitution of Alabama of 1901 relating to the levy and collection of an additional special ad valorem property tax in Morgan County.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable,White (G), White (L) and Zoghby.

—78

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to take up out of order the bill, H. 520.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Martin, Budget Isolation Resolution relating to H. B. 520, was adopted.

Yeas 64; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Faulk, Flowers, Fuller, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—64

And the bill:

H. 520. To amend Section 11-94-1, Code of Alabama 1975, which relates to municipal-county port authorities, so as to authorize said port authorities

to own, operate and finance office facilities for their own use or the use of certain other organizations, and amends Section 11-94-15, Code of Alabama 1975, which relates to liabilities of certain subdivisions of port authorities so as to provide that counties, municipalities, and public corporations may give certain financial aid to, and may otherwise cooperate with, municipal-county port authorities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Parker, Penry, Perdue, Poole, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—76

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Rice, the rules were suspended in order to take up out of order the bill, H. 207.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rice, Budget Isolation Resolution relating to H. B. 207, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, Mikell, Newman, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turnham, Venable, White (L) and Zoghby.

—64

And the bill:

H. 207. (With Amendment): Relating to the abandonment of the commission form of government by Class 6 municipalities; providing for a referendum on the question of adoption of a mayor-council form of government with five (5) single-member districts and a mayor to be elected at large, or in the alternative a council-manager form of government with five (5) single-member districts; establishing in the alternative said forms of

government; providing for the establishment of boundaries of districts, salaries of mayor and council, and the call of election for the members of the council and for a mayor if a mayor-council form of government was adopted; providing for the term of office of the initial council, and for mayor if the mayor council form of government was adopted; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges and emoluments, for the preservation of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipalities and all ordinances; and providing for an effective date of this act, and the severability of the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend House Bill 207, page 7, line 14, at the end of line 14, by striking ~~the~~

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (JL), Carothers, Carter, Clark (D), Clark (J), Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Newman, Penry, Perdue, Poole, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—61

And the bill, H. 207 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coleman, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Holmes, Hooper, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Penry, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F) and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution relating to H. B. 163, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Boles, Brakefield, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—62

And the bill:

H. 163. To establish the venue for all civil actions for damages for personal injury, death or property damage filed against a county or against a municipality.

Was taken up.

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 163:

Amend H. B. 163 on page 1, Section 1, line 19 by (adding) after the word(s) "shall be in the" the following: defendant.

Further amend the bill on page 1, Section 1, line 20 by adding after the words "within which the" the following: defendant.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Clark (D), Clark (W), Coleman, Cosby, Davis, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—73

And the bill, H. 163 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler,

Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Newman, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—80

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Parsons, Amari, and Bailey:

S. J. R. 126. EXPRESSING LEGISLATIVE INTENT CONCERNING THE ENFORCEMENT OF THE UNCONSCIONABILITY PROVISION OF SECTION 8-8-5, CODE OF ALABAMA 1975, RELATING TO LOANS OF $2,000.00 OR MORE.

WHEREAS, Section 8-8-5 (a) of the Code of Alabama 1975, permits lenders to assess any rate of interest for loans with an original principal balance of $2,000.00 or more; and

WHEREAS, the only limitation on said interest rate provided in Section 8-8-5 (a) is that said interest rate shall not violate laws relating to unconscionability in consumer transactions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it was the intent of the Legislature of Alabama that the unconscionability limitation on interest rates in Section 8-8-5 (a) be strictly construed and strictly enforced. It was the further intent of the Legislature of Alabama that interest rates on said loans which reach a level that imposes an unreasonable, unjust and inequitable burden on the borrower are prima facie unconscionable and therefor an unlawful violation of Section 8-8-5 (a).

BE IT FURTHER RESOLVED, That this Legislature hereby directs the Attorney General and the state banking department to fulfill their statutory duty by enforcing the unconscionable provision of Section 8-8-5 (a). The Attorney General is directed to use the full power of his office to represent the farmer, the unemployed, the handicapped, the poor and disadvantaged, the elderly, the widows and the other consumers of this state who have been victimized by loan sharks and disreputable lenders who are issuing loans at an unconscionable rate of interest. The Attorney General and the state banking department shall use their official capacity to the fullest extent possible to prevent the operation of these odious and discreditable lenders in this state; to prevent the foreclosure of property by said lenders and to provide a means to abate future payments required under said unlawful loan contracts.

RESOLVED FURTHER, That the Attorney General and the state banking department receive copies of this resolution so that they may know of our utmost concern regarding this matter.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 126, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Dial:

S. J. R. 125. MOURNING THE DEATH OF JOHN BUNYAN TOLAND OF MILLERVILLE, ALABAMA.

Also:

By Senator Dial:

S. J. R. 127. COMMENDING DONNA BEVERLY OF ASHLAND, MISS TEEN OF ALABAMA.

Also:

By Senator Dial:

S. J. R. 128. COMMENDING CHRISTINE GRIFFIN CALLAHAN FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND THE LINEVILLE, ALABAMA, SCHOOLS.

Also:

By Senators Little and Foshee:

S. J. R. 129. COMMENDING SOLON DIXON OF ANDALUSIA, ALABAMA.

Also:

By Senators Dixon and Langford:

S. J. R. 130. RECOGNIZING THE AMERICAN STERILIZER COMPANY (AMSCO) AND AMSCO/MONTGOMERY FOR OUTSTANDING CONTRIBUTIONS TO THE MONTGOMERY COMMUNITY AND THE STATE OF ALABAMA.

Also:

By Senators Dixon and Langford:

S. J. R. 131. COMMENDING THE CARVER CREATIVE AND PERFORMING ARTS CENTER, CARVER SENIOR HIGH SCHOOL, MONTGOMERY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 125, S. J. R. 127, S. J. R.

128, S. J. R. 129, S. J. R. 130 and S. J. R. 131, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hand:

S. J. R. 122. COMMENDING MRS. PAT ANDERSON AND THE FOLEY HIGH SCHOOL COMPUTER CENTER FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 122, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Goodwin, Corbett, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Horn, Langford, Little, Menton, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Strong, and Teague:

S. J. R. 124. URGING CONGRESS TO TAKE AFFIRMATIVE ACTION TO EXTEND THE FEDERAL REVENUE SHARING PROGRAM AT LEAST THROUGH THE END OF FISCAL YEAR 1987.

WHEREAS, the federal revenue sharing program launched during the early 1970's has pumped millions of dollars annually into state, county and city treasuries throughout this nation; and

WHEREAS, the current authorization for the federal revenue sharing program terminates at the end of fiscal year 1986; and

WHEREAS, in Alabama, federal revenue sharing funds account for over 9% of total municipal revenues and over 5% of total county revenues; and

WHEREAS, without federal revenue sharing funds, many local governmental entities will be forced to cut back or even curtail such vital services as police and fire protection among others; and

WHEREAS, the federal revenue sharing program is generally recognized as the most equitable and administratively efficient federal program now in existence; and

WHEREAS, there is no provision of law that sunsets federal revenue sharing in 1986, but merely a consensus of the conferees on the Budget

Reconciliation Bill of 1985 that it would be sunsetted after the next meetings of the various state legislatures; and

WHEREAS, under such consensus agreement, seven state legislatures are not scheduled to meet again until 1987; and

WHEREAS, because the Alabama Legislature meets in 1986, this state's federal revenue sharing funds would be sunsetted at least one year prior to those of the aforementioned seven states, thereby placing an inequitable financial burden on the citizens of Alabama; and

WHEREAS, there are no less than five bills presently before Congress that would reauthorize federal revenue sharing at least through the fiscal year 1987; and

WHEREAS, the sense of the Alabama Legislature is that if federal revenue sharing is to be terminated, Congress should reauthorize the program for at least one more year while it formulates a gradual and equitable sunset plan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge Congress to take affirmative action to extend the federal revenue sharing program at least through the end of fiscal year 1987.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be presented to the President of the United States and to each member of the Alabama Congressional Delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 124, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Bedsole:

S. 120. To amend Section 16-28-3, Code of Alabama, 1975, relating to ages of children required to attend school, so as to require a change in the age levels necessary to attend school from 7-16 to 6-16 years.

Also:

By Senators Bedford, Amari, Hilliard, Menton, Denton, Bennett, Drinkard, and Strong:

S. 147. To establish a condemnation law of the State of Alabama for vehicles and equipment used in setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Code of Ala. (1975), Sec. 9-13-11(a)(1).

Also:

By Senator Dixon:

S. 226. To amend Section 13A-7-23.1 of the Code of Alabama 1975 relating to criminal offenses involving desecration of tombs and gravestones, so as to provide further for such offenses.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 120 Education.

S. 147 Judiciary.

S. 226 Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Cooley:

S. 132. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

Also:

By Senator Little:

S. 200. To provide that employees of the Alabama Film Commission shall be unclassified employees and to allow such employees to be covered as members of the state employees' retirement system and the state employees' health insurance plan, and to provide certain retroactive effect.

Also:

By Senator Mitchem:

S. 229. To make a supplemental appropriation from the general fund of the state treasury to the Alabama Manufactured Housing Commission for the current fiscal year.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 132 State Administration.

S. 200 Ways and Means.

S. 229 Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Mitchem, Hand, Figures, Menton, Bedsole, Bedford and Little:

S. 204. To amend Section 3 of the amendment to the Constitution of Alabama of 1901 proposed by Act No. 85-79, H. 6, of the 1985 First Special Session, which provides for a permanent trust fund known as "The Alabama Trust Fund" with certain moneys derived by the state from the sale, leasing or other disposition of its rights in certain offshore oil, gas and other hydrocarbon minerals, so as to provide further for the membership of the board of trustees of such trust fund.

Also:

By Senator Hilliard:

S. 265. To amend section 11-81-11, Code of Alabama 1975, so as to authorize county and municipal governments to sell their bonds by negotiated process if the governing body shall find that such process is desirable to gain the lowest net interest cost.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 204, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Public Utilities and Transportation.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 265 Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Corbett, Holmes, Menton, and Teague:

S. 50. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners as provided in Sections

34-9-40 through 34-9-47 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Senators Corbett, Holmes, Menton, and Teague:

S. 51. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board as provided in Sections 9-17-1 through 9-17-32 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Also:

By Senators Corbett, Holmes, Menton, and Teague:

S. 55. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board of General Contractors as provided in Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-24, so as to provide that application fees for licenses will be nonrefundable and to provide further for meetings of the board.

Also:

By Senators Corbett, Holmes, Menton, and Teague:

S. 56. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Radiation Control Agency and the Radiation Advisory Board as provided in Sections 22-14-1 through 22-14-35 of the Code of Alabama 1975; and the legislature's concurrence thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 50 State Administration.

S. 51 State Administration.

S. 55 State Administration.

S. 56 State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Corbett, Holmes, Menton, and Teague:

S. 49. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Foresters as provided in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-12-5, 34-12-6, 34-12-8, 34-12-9, 34-12-30, 34-12-32 and 34-12-36, so as to increase annual license issuance fees;

increase examination fees; increase annual notification of renewal license fees; increase reissuance or reinstatement of license fees; rename Alabama chapter the Alabama "Division"; increase per diem allowances for meeting days of board members; and to require bonding of certain officers of the board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 49 State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Corbett:

S. 48. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-31-21 and 34-31-28, so as to provide further for persons who may be certified without having to be examined by the board; and to authorize the board to adopt minimum repair and service standards or criteria for its registered contractors; and to provide for misdemeanor penalty for noncompliance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 48 State Administration.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution relating to H. B. 20, was adopted.

Yeas 41; Nays 1.

Yeas:

Reps. Beasley, Beers, Biddle, Blakeney, Boles, Brakefield, Brooks, Browder, Burke, Clark (D), Clark (J), Crow, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Kennedy, Kvalheim, Lauderdale, Martin, Mikell, Nicholson,

Parker, Payne, Perdue, Poole, Pratt, Rice, Richardson, Seibels, Starkey, Starr, Thomas, Trammell, Turner, Turnham, White (G) and Zoghby.

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Nay: Mr. Speaker. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Rep. Turnham that the House adjourn until 10:00 o'clock a.m., Thursday, February 20, 1986, was lost.

Yeas 39; Nays 40.

Yeas:

Reps. Adams, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Buskey (JE), Buskey (JL), Carter, Davis, Faulk, Flowers, Ford, Fuller, Goodwin, Hammett, Holmes, Kennedy, Martin, Mathis, McDowell, McMillan, Mikell, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Spratt, Starkey, Thomas, Turner, Turnham and White (L).

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Nays:

Mr. Speaker, Bachus, Beasley, Biddle, Blake, Boles, Brooks, Bugg, Carothers, Clark(D), Clark (W), Coleman, Cosby, Crow, Gaston, Gray, Harper, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, McKee, McNair, Melton, Newman, Nicholson, Onderdonk, Poole, Reed, Seibels, Smith, Starr, Trammell, Venable, Warren and Zoghby.

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H. 20 RESUMED

And the bill:

H. 20. (With Substitute): To provide further for warranties on new motor vehicles and to provide for refunds for failure to conform to said warranties.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide a statutory remedy to the purchaser of a motor vehicle, or successors in interest, against the manufacturer thereof, requiring the replacement of the motor vehicle or the refund of its purchase price, by the

manufacturer, where the motor vehicle fails to conform to the manufacturer's warranties thereon in a substantial way and the manufacturer fails to remedy such non-conformity.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this Act the following terms shall have the respective meanings as indicted:

A. "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle used in substantial part for personal, family, or household purposes, and any person to whom such motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty.

B. "Motor Vehicle" shall mean any motor vehicle as defined by Section 32-1-1.1(32), Code of Alabama 1975, that is required by the provisions of Article 5, Chapter 12, Title 40, Code of Alabama, supra, to be licensed for use on the public highways of the State of Alabama, and which is sold in this State; provided, however, that the terms hereon shall not apply to any motor vehicle having a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds or heavier; and provided further, that with respect to motor homes, recreational vehicles, or other special use vehicles, consisting of a motor vehicle chassis to which other components have been added or assembled by one other than the manufacturer of the chassis, the remedy provided by this Act shall not be available against the manufacturer of the chassis as to that portion of the vehicle added or assembled other than by the manufacturer of the chassis.

C. "Manufacturer" shall mean the person, firm or corporation who or which produces by assembly or fabrication a motor vehicle and who or which sells, at wholesale, or consigns such motor vehicle to an authorized dealer for retail sale.

D. An "authorized dealer" is a person, firm or corporation who or which purchases motor vehicles at wholesale, or receives such upon consignment, and who or which sells motor vehicles, for one or more manufacturers at retail, and who or which is authorized by one or more manufacturers to advertise the motor vehicles of such manufacturer or manufacturers for retail sale, and to perform repair services on motor vehicles prepared by such manufacturer or manufacturers to satisfy any warranty obligations of any such manufacturer to consumer of such motor vehicle.

E. "Express Warranty" shall mean a written warranty, so labeled, of the manufacturer of a new motor vehicle, including any terms or conditions precedent to the enforcement of obligations under that warranty.

F. "Non-Conforming Condition" shall mean any condition of a motor vehicle which shall not be in conformity with the terms of any express warranty given by the manufacturer to a consumer, and which: (1) substantially impairs the use, value or safety of the motor vehicle; and (2) occurs or arises solely in the course of the ordinary use of the motor vehicle, and which does not arise or occur as the result of abuse, neglect, modification or alteration of the motor vehicle not authorized by the manufacturer, nor from any accident or calamity of any kind which occurs or arises after such motor vehicle was delivered by an authorized dealer to a consumer.

G. "Notice of a non-conforming condition" shall mean a written statement which shall be delivered to the manufacturer and which shall describe

the subject motor vehicle, the non-conforming condition, and shall describe all previous attempts to correct such non-conforming condition by identifying the person, firm or corporation who or which made such attempt, and the time when such attempt was made.

Section 2. If a new motor vehicle does not conform to any applicable express warranty, and the consumer delivers the motor vehicle to the manufacturer, its agent or its authorized dealer, and gives notice of the non-conforming condition, at the time of delivery, during the period of one (1) year following the date of original delivery of the new motor vehicle to a consumer, or before the motor vehicle has been operated for more than 12,000 miles, whichever first occurs, the manufacturer of the motor vehicle shall be obligated to make such repairs to the motor vehicle as shall remedy any non-conforming condition thereof; such repairs shall be required even after the expiration of such period if, during such period the motor vehicle has been delivered to the manufacturer, its agent or an authorized dealer, and the non-conforming condition reported.

Section 3. If, after reasonable attempts, the manufacturer, its agent or its authorized dealer do not remedy or correct a non-conforming condition of a motor vehicle, the manufacturer shall, subject to the provision of sub-paragraph C. of this section, either:

A. Replace the motor vehicle with a comparable motor vehicle, acceptable to the consumer; or

B. Accept return of the motor vehicle and refund to the consumer and to the holder of any lien against the motor vehicle, as their interests may appear, the full purchase price of the motor vehicle including all collateral charges (but not including finance charges) connected with the purchase of the motor vehicle, together with mileage charges, towing charges and reasonable loss of use necessitated by attempts to remedy or correct any non-conforming condition.

C. Upon the replacement of a motor vehicle as provided in sub-paragraph A., above, or upon refund of the purchase price as provided in sub-paragraph B., above, the consumer shall be obligated for a reasonable allowance for the use of the motor vehicle prior to its return to the manufacturer which reasonable allowance shall be that amount calculated to be the reasonable value of the usage of the motor vehicle as shall have occurred following its initial delivery by an authorized dealer to a consumer and until its return to the manufacturer with a notice of non-conforming condition, plus an amount to account for any loss to the fair market value of the vehicle resulting from damage beyond normal wear and tear, unless the damage resulted from a non-conforming condition. In the event the manufacturer elects to replace the motor vehicle, such reasonable allowance shall be paid by the consumer at the time of such replacement; in the event the manufacturer refunds the purchase price of a motor vehicle, with collateral and other charges, such reasonable allowance shall be deducted from such refund.

Section 4. It shall be presumed that reasonable attempts to correct a non-conforming condition have been allowed by the consumer if, during the period of one (1) year following the date of original delivery of a motor vehicle to the consumer, or before the motor vehicle has been operated for 12,000 miles, whichever first occurs, either of the following events shall have occurred:

A. The same non-conforming condition has been subject to repair attempts four (4) or more times by the manufacturer, its agents or its authorized dealers, and the same non-conforming condition continues to exist; or

B. The motor vehicle is out of service and in the custody of the manufacturer, its agent, or an authorized dealer due to repair attempts for a cumulative total of thirty (30) business days, unless such repair could not be performed because of conditions beyond the control of the manufacturer, its agents or authorized dealers, including war, invasion, strike, fire, flood or other natural disaster.

Section 5. Prior to the commencement of any proceeding in any court to enforce the provisions of this Act a consumer must give notice of a non-conforming condition by certified United States Mail to the manufacturer and demand correction or repair of the non-conforming condition. If at the time such notice of a non-conforming condition is given to the manufacturer, a presumption has arisen that reasonable attempts to correct a non-conforming condition have been allowed, the manufacturer shall be given an additional opportunity, not to exceed fifteen (15) days from the date such notice of a non-conforming condition was deposited in the United States Mail, certified, to correct or repair the non-conforming condition. If the address of the manufacturer is not known to the consumer, such notice of a non-conforming condition shall be mailed, by certified United States Mail, to the authorized dealer of such manufacturer who or which last attempted to remedy or repair the non-conforming condition.

Section 6. Any action brought under this Act shall be commenced within eighteen (18) months following the date of original delivery of the motor vehicle to the consumer.

Section 7. The remedy provided by this Act shall be separate and distinct from any and all other rights or remedies which are otherwise available to a consumer against a manufacturer under any law, and nothing in this Act shall in any way limit the rights or remedies which are otherwise available to a consumer against a manufacturer under any law, provided, however, that: (1) any suit brought by a consumer, to exercise any remedy provided by this Act, in any Court, and which seeks, solely, or in conjunction with any other claim, to enforce any remedy provided by this Act, shall be brought against the manufacturer of the subject vehicle only, and may not include as a party defendant, either initially, or by subsequent amendment, an authorized dealer who may have sold the motor vehicle, or undertaken to remedy or repair any alleged non-conforming condition of the motor vehicle; and (2) separate suits may be brought by a consumer against a manufacturer (i) seeking to enforce any remedy under this Act, or (ii) for any other remedy available by law to a consumer, and neither shall constitute a bar to the other; however, the results produced by the first of either of such proceedings concluded shall be admissible in evidence by either party in any subsequent proceeding:

Section 8. It shall be an affirmative defense to any claim under this Act that:

A. An alleged non-conforming condition does not significantly impair the use, market value, or safety of the motor vehicle; or

B. A con-conforming condition is the result of abuse, neglect, or any modification or alteration of a motor vehicle by a consumer that is not authorized by manufacturer.

Section 9. The provisions of this Act do not apply to any consumer who has failed to exhaust any remedy afforded to such consumer under any informal dispute settlement procedure provided by a manufacturer, if such

procedure exists and is in compliance with applicable Federal Laws and Regulations.

Section 10. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective sixty (60) days after its passage and approval by the Governor, or upon it otherwise becoming law.

And the substitute was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F) and Zoghby.

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CO-SPONSORS ADDED

Reps. White (F), Junkins, Thomas, Bugg, Crow. Bachus, Beasley, Boles, Brakefield, Britnell, Brooks, Browder, Butler, Carter, Clark (D), Clark (W), Coleman, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McNair, Melton, Newman, Onderdonk, Rains, Rogers, Seibels, Starkey, Trammell, Turner, White (G) and Zoghby were added as co-sponsors to the bill, H. 20.

And the bill:

H. 20. To provide a statutory remedy to the purchaser of a motor vehicle, or successors in interest, against the manufacturer thereof, requiring the replacement of the motor vehicle or the refund of its purchase price, by the manufacturer, where the motor vehicle fails to conform to the manufacturer's warranties thereon in a substantial way and the manufacturer fails to remedy such non-conformity.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 76; Nays 3.

Yeas:

Reps. Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Ford, Fuller, Gaston, Goodwin, Grayson,

Harper, Harvey, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McNair, Mikell, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Warren, White (F), White (G) and Zoghby.

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Nays: Mr. Speaker, Hettinger and Holley. —3

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Prueitt abstained from voting on the passage of the bill, H. 20, due to possible conflict of interest.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 217. COMMENDING THE SOUTHERN CHOCTAW HIGH SCHOOL FOOTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolution was introduced:

By Rep. Payne:

H. J. R. 218. RELATING TO ADDITIONAL SPACE IN THE ALABAMA STATE HOUSE FOR LEGISLATIVE COMMITTEE ROOMS.

WHEREAS, much of the work of the Legislature is accomplished in committees; and

WHEREAS, many times the legislative committees hold public hearings to obtain specialized knowledge as a basis for informed legislative action; and

WHEREAS, the Legislature needs ample space in the Alabama State House to hold public hearings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That ample space on the fourth floor of the Alabama State House be assigned to the House of Representatives and the Senate to have one additional committee room each that will accommodate two hundred people in addition to committee members.

BE IT FURTHER RESOLVED, That the finance director and the Office of Space Management be advised and that they make proper arrangements for same, and that the clerk of the House and the Secretary of the Senate shall select said space.

The resolution, H. J. R. 218, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blake, Budget Isolation Resolution relating to H. B. 121, was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Boles, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Onderdonk, Parker, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

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And the bill:

H. 121. To repeal Section 2-6-2, providing for the appointment of a Superintendent of the Agricultural Center to manage and control the coliseum and its facilities; to provide for the appointment of merit system employees for the Agricultural Center by the Agricultural Center Board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Newman, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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ADJOURNMENT

On motion of Rep. White (L) and pursuant to the motion heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 20, 1986.

TWELFTH DAY

House of Representatives
Montgomery, Alabama
February 20, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Lloyd Knox, Resident Bishop, United Methodist Church, Birmingham, Alabama Area.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Johnson (Roy), the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Reps. Moore and Hall.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 3:00 o'clock p.m., Tuesday, February 25, 1986.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Corbett, Dixon, Holmes, Menton, Foshee, Barron, Cooley, Bennett, Covington, and Aldridge:

S. 445. Relating to the Alabama Sunset Law; to continue until October 1, 1987, the existence and functioning of the Alabama Surface Mining

Commission as provided in Sections 9-16-70 through 9-16-107, to amend Sections 9-16-73, 9-16-74, 9-16-78, 9-16-85, and 9-16-88, Code of Alabama 1975 so as to provide that the rules and regulations of the commission shall not be more stringent than those promulgated by federal statute, rule or regulation; to create a legislative oversight committee and to provide for the duties, composition, meetings and compensation of members of the committee; to require the director of the commission to have knowledge of state and federal surface mining laws, rules and regulations; to provide for a technical assistant for the commission and to provide for his duties and salary; to require permits and licenses to be issued more promptly; It is further provided that the commission shall be reviewed by the Sunset Committee in the interim between the 1986 and 1987 Regular Legislative Sessions and that said commission shall be terminated effective October 1, 1987, unless a Sunset bill passes at the 1987 Regular Session to continue the commission.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 445. State Administration.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 219. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the following bills shall be made the special, paramount and continuing order of business beginning on Thursday, February 20, 1986, and continuing on subsequent days:

Bill No.	Page	Sponsor	Short Title
H. 30	26	Zoghby	Drug paraphernalia; crime pkg.
H. 69	9	Holley	Absentee ballots; military personnel overseas
S. 89	59	Cooley	Interstate Banking
H. 119	6	Clark (J)	Mental Health; group homes
H. 65	9	Johnson (Roy)	Police jurisdictions; license tax receipts; services

On motion of Rep. Clark (J), the resolution, H. R. 219, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Zoghby, Budget Isolation Resolution relating to H. B. 30, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brakefield, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Davis, Gaston, Goodwin, Grouby, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McMillan, Mitchell, Newman, Onderdonk, Parker, Poole, Rains, Reed, Rice, Spratt, Starkey, Turner, Venable, Warren, White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 30. To regulate certain activities relating to possession of and transactions in drug paraphernalia; to define certain terms relating to such paraphernalia; to make it unlawful to engage in certain activities relating to such paraphernalia; to prescribe criminal penalties for such unlawful acts; to prescribe forfeiture for contraband; and to repeal and supersede those provisions of Chapter 2, Title 20 of the Code of Alabama which heretofore regulated "drug related objects."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Mikell, Mitchell, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 30:

Reps. Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Bugg, Buskey (JE), Buskey (JL), Butler, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Davis, Gaston, Gray, Grouby, Hammett, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McMillan, Newman, Onderdonk, Parker, Pratt, Rains, Reed, Rice, Rogers, Seibels, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holley, Budget Isolation Resolution relating to H. B. 69, was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, Mitchell, Newman, Newton, Parker, Perdue, Pratt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Adams would have voted "Yea" on the bill, H. 20, had he been in the Chamber at the time of voting.

And the bill:

H. 69. (With Substitute): Relating to elections; to provide additional time for overseas Americans to make application for, receive and return absentee ballots; and for such purpose to amend Code of Alabama 1975, Sections 17-10-3, 17-10-5, 17-10-12, 17-10-13, 17-10-14, and 17-16-11; and to provide an effective date.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; to provide additional time for overseas Americans to make application for, receive and return absentee ballots; and for such purpose to amend Code of Alabama 1975, Sections 17-10-3, 17-10-5, 17-10-12, 17-10-13, 17-10-14, and 17-16-11; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-10-3 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-3.

"(a) Any qualified elector of this state and any person who, but for having moved from the state within the 30 days immediately preceding the election, is a qualified elector of this state who will be unable to vote at his regular polling place because of his absence from the county of his residence

on the day of any primary, general, special or municipal election, or who because of any physical illness or infirmity which prevents his attendance at the polls, whether he is within or without the county on the day of the election, may vote an absentee ballot, provided he makes application in writing therefor not ~~more than 60 nor~~ less than five days prior to the election in which he desires to vote as authorized in this chapter.

"(b) An applicant for an absentee ballot who is a member of the armed forces of the United States, including the Alabama National Guard, the United States naval reserves, the United States air force reserves and the United States military reserves on active duty training or an applicant who is the wife of any member of the armed forces may make application for an absentee ballot by filling out the federal postcard application form, authorized and provided for under the provisions of "The Federal Voting Assistance Act of 1955," Public Law 296, Chapter 656, H. R. 4048, approved August 9, 1955, 84th Congress 1st Session."

Section 2. Section 17-10-5 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-5.

"Upon receipt of the application for an absentee ballot, if the applicant's name appears on the list of qualified voters in the election to be held or, if the voter makes an affidavit for a challenged vote, he shall furnish the absentee ballot to the applicant by (1) forwarding it by United States mail to such person or (2) by handing the absentee ballot to the voter in person. The absentee election manager shall mail any absentee ballot requested to be mailed no later than the next business day after an application has been received unless such absentee ballots have not been delivered to the absentee election manager, in which case he or she shall hold all requests until such ballots are delivered and shall then respond by placing ballots in the mail no later than the next business day.

"The official list of qualified voters herein referred to shall be furnished to the absentee election manager by the probate judge or other person preparing said list at least ~~21~~ 45 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as such list becomes available. The absentee election manager shall underscore on such list the name of the voter and shall write immediately beside his name the word "absentee." He shall enroll the name, residence and polling place of the applicant, and the date the application was received on a list of absentee voters. The absentee election manager shall each day enter on said list the names, addresses and polling places of each voter who has that day applied for an absentee ballot and shall post a copy of the list of applications received each day on the regular bulletin board or other public place in the county courthouse. Such list shall be maintained in the office of the clerk or register for 60 days after the election, at which time it shall be filed with the probate judge. The absentee election manager shall also, before the polls open at any election, cause to be delivered to the election officers of each polling place a list showing the name and address of every person whose name appears on the official list of qualified electors for such polling place who applied for an absentee ballot in the election. The name of every such persons shall be stricken from the list of qualified electors kept at the polling place, and the person shall not vote again. ~~It shall be necessary for each prospective absentee voter to make application for an absentee ballot for each election in which he proposed to vote an absentee ballot.~~ A prospective absentee voter who makes application for a

primary ballot may at the same time apply for an absentee ballot for any subsequent run-off primary and/or general election.

Section 3. Section 17-10-12 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-12.

"Not less than ~~21~~ 45 days prior to the holding of any election to which this chapter pertains, or in the case of a run-off primary election to which this chapter pertains, not more than seven days after the first primary election, the officer charged with the printing and distribution of the official ballots and election supplies shall cause to be delivered to the absentee election manager of each county in which the election is held or to the person designated to serve in his stead a sufficient number of absentee ballots, envelopes and other necessary supplies. If the absentee election manager is a candidate with opposition in the election, he shall immediately, upon receipt of such ballots, envelopes and supplies, deliver the same to the person authorized to act in his stead, as provided for in section 17-10-13.

Section 4. Section 17-10-13 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-13.

"When the clerk, register in chancery is a candidate for any office, he shall be disqualified from performing any of the duties imposed by this chapter with reference to the handling of absentee ballots. At least ~~30~~ 90 days prior to the election, the clerk, register or register in chancery shall certify to the presiding circuit judge of the county his candidacy or that he is disqualified to serve or otherwise prevented from serving. The presiding circuit judge shall thereupon appoint a person to serve as absentee election manager in the manner provided for in section 17-10-2.

Section 5. Section 17-10-14 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-14.

"The county commission shall determine the amount of compensation to be paid to the absentee election manager or other absentee election manager for the performance of his duties with respect to the absentee ballots during the ~~21~~ 45 day period prior to and on the day of the election for which his services are required, but such compensation shall not exceed $25.00 per day. Such an amount shall be the total compensation allowed the absentee election manager for duties relating to absentee ballots in all elections held on the same day and shall be paid from the county treasury, except in case of a municipal election held at a time different from a primary or general election, in which event payment shall be made from the city or town treasury. However, no municipal employee shall be compensated for his services in this regard.

Section 6. Section 17-16-11 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-16-11.

"(a) All candidates for nomination to public office or for election to party office in the primary provided for in this chapter shall file their declaration of candidacy with the state party chairman if they seek any

office other than a county office (including federal, state, circuit and district offices, the state senate and house of representatives), and with the county party chairman if they seek a county office, not later than 5:00 P.M. ~~60~~ 75 days before the date of such primary.

"(b) The state party chairman shall, no later than 5:00 P.M. ~~50~~ 65 days before the primary, certify the names of all primary candidates, except candidates for county offices, to the secretary of state. The county party chairman shall, not later than 5:00 P.M. ~~50~~ 65 days prior to the date of the primary election, certify to the probate judge the names of all candidates for nomination to county offices or election to county party offices. The secretary of state shall, not less than ~~40~~ 60 days prior to the date of the primary election, certify to the probate judge of every county in which the election is to be held the names of the opposed candidates for nomination to federal, state, circuit or district offices, the state senate and house of representatives, and all other opposed candidates to public or party office, except candidates for county offices.

"(c) The probate judge of each county shall have the ballots prepared for the primary election. If a legally qualified candidate for nomination to an office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be the nominee of the party with which he has qualified for the office. If a legally qualified candidate for election to a party office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be declared elected to the party office for which he qualified.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—80

H. 69 TEMPORARILY POSTPONED

On motion of Rep. Holley, the bill, H. 69 as amended, was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to S. B. 89, was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

Nay: Rep. Brakefield. —1

And the bill:

S. 89. Relating to banks, banking and branch banking which: amends Title 5 of the Alabama Code of 1975 by adding Chapter 13A so as to create the "Alabama Regional Reciprocal Banking Act of 1986"; provides definitions; authorizes any bank holding company whose principal place of business is in any one of certain jurisdictions to acquire banks and bank holding companies located in Alabama under certain conditions and limitations; requires divestiture in certain circumstances; provides applicable law and for regulatory supervision and enforcement authority; provides for application fees; provides for severability of provisions; restricts amendment of §5-5A-20, Code of Alabama, 1975; and provides an effective date.

Was read a third time at length and passed.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, McNair, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—90

Nay: Rep. Rains. —1

PERMISSION GRANTED

Permission was granted for the Journal to show Reps. Hammett and Clark (J) abstained from voting on the bill, S. 89, due to possible conflict of interest.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution relating to H. B. 119, was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

And the bill:

H. 119. To abolish any zoning law, ordinance or regulation which prohibits mentally retarded or mentally ill persons from living in a natural residential environment zoned "multi family" as it appears in zoning laws or ordinances so as not to exclude certain groupings of mentally retarded or mentally ill persons.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, McNair, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—94

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 119:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (JL), Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Fuller, Goodwin, Gray, Grayson, Grouby, Harper, Hettinger, Johnson (RW), Laird, Lauderdale, Mathis, McMillan, McNair, Mitchell, Nicholson, Onderdonk, Penry, Perdue, Pratt, Preuitt,

Rains, Reed, Rice, Richardson, Rogers, Sasser, Thomas, Trammell, Turner, Turnham, Venable, White (G) and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to H. B. 65, was adopted.

Yeas 88; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—88

Nay: Rep. Holley. —1

CO-SPONSORS ADDED

Reps. Box, Bugg, Turner, Ford and Seibels were added as co-sponsors to the bill, H. 65.

And the bill:

H. 65. To amend Section 11-51-91, Code of Alabama, 1975, so as to clarify the meaning of said Section; to require a liberal construction of the meaning of said Section.

Was taken up.

AMENDMENT OFFERED

Rep. Gray offered the following amendment to the bill, H. 65:

Amend House Bill 65, Page 2, Line 20, by adding: a new Section 2. This Act shall not apply to business or homes laying within a Fire District——Renumber subsequent sections.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett,

Harper, Harvey, Hettinger, Holley, Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

And the bill, H. 65 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 3.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—87

Nays: Reps. Holley, Johnson (RG) and Mathis. —3

CO-SPONSOR ADDED

Rep. Cosby was added as co-sponsor to the bill, H. 65.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Holley, Drake, Bowling, Johnson (RW), Clark (J), Turnham, Campbell, Smith, Blake, Venable, White (L), Hammett, Rains, Warren, Carter, Junkins, White (F), Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coleman, Cosby, Faulk, Fuller, Goodwin, Grouby, Harper, Hettinger, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McMillan, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Reed, Rice, Richardson, Sasser, Seibels, Spratt, Starkey and Turner:

H. J. R. 220. NAMING THE STATE ADMINISTRATIVE BUILDING IN THE CAPITOL COMPLEX IN MONTGOMERY, ALABAMA, THE "JAMES E. FOLSOM ADMINISTRATIVE BUILDING."

WHEREAS, the Honorable James Elisha Folsom, born in Coffee County, Alabama and presently residing in Cullman, Alabama, first served as Governor of the State of Alabama from 1947 to 1951; upon re-election in 1954, Governor Folsom became only the second governor in the history of our state ever to be elected to more than one four-year term in office, and today is held in high public esteem; and

WHEREAS, as the 46th and 48th Governor of Alabama, James E. Folsom rendered honorable and distinguished service to all citizens, and his eight-year tenure as our Chief Executive Officer was one of great progress for the entire State of Alabama; and

WHEREAS, in recognition of Governor James E. Folsom as a distinguished public servant, and in gratitude for his historic contributions to the good of Alabama and all citizens thereof, it is entirely fitting and desirable that he be appropriately honored in sincere and everlasting tribute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the building in the State Capitol Complex in Montgomery, Alabama, which was completed in 1958 during the second administration of Governor Folsom and heretofore has been called the State Administrative Building, is hereby named and designated and shall forever be known as the "James E. Folsom Administrative Building."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said building as the "James E. Folsom Administrative Building."

RESOLVED FURTHER, That to advise Governor Folsom of this honorary designation of the Legislature, a copy of this resolution shall be forwarded to the Honorable James E. Folsom, Cullman, Alabama.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 220, was adopted.

Also:

By Rep. Warren:

H. J. R. 221. COMMENDING WILLIAM C. HAMILTON ON HIS DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, William C. Hamilton of Evergreen, Alabama, retired February 1, 1986, following a long and distinguished career as a State Trooper with the Alabama Department of Public Safety; and

WHEREAS, a native of Belleville, Alabama, and a United States Army Veteran who served on active duty from 1950-1952, William C. Hamilton was appointed State Trooper on July 13, 1964, and was assigned to the Highway Patrol Division in Scottsboro, Alabama; and

WHEREAS, on March 11, 1965, Trooper Hamilton was reassigned to the Driver's License Division in Evergreen, Alabama, remaining in said assignment until his recent retirement; and

WHEREAS, the law enforcement career of State Trooper Hamilton was indeed outstanding, both in length of service and in dedicated accomplishment on behalf of the State of Alabama and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of meritorious service as a State Trooper, Alabama Department of Public Safety, for more than 21 years, we hereby most highly commend William C. Hamilton of Evergreen, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Warren, the rules were suspended and the resolution, H. J. R. 221, was adopted.

Also:

By Reps. Turnham, Drake and Richardson:

H. J. R. 222. COMMENDING THE ALABAMA COOPERATIVE EXTENSION SERVICE ON HOME ECONOMICS ON ITS 75TH ANNIVERSARY.

WHEREAS, Alabama Extension Service demonstration work had its origins in Walker and Pike Counties in 1911, with only two home agents, and in 1914 was made a part of the land grant college system, giving instructions and demonstrations to persons not enrolled in colleges or universities, and, through the years, many of the Alabama extension home economics programs have been innovative and successful causing other states to adopt these, and some programs have been adopted nationwide, some of these include master money manager, expanded food and nutrition education, PEP and Project HELP; and

WHEREAS, during World Wars I and II the programs were designed to meet the challenges of the times, including homemakers education in substituting rationed food items, supervised canning centers, salvaging scrap metal and rubber, and selling war bonds; today such home economic programs range from family life, nutrition and health, clothing, housing and family resource management, and these constantly are updated and formulated to meet each new challenge, serve expanding and new audiences and responding to local problems and opportunities with sensitivity in the same enthusiastic manner as in the beginning of the Alabama Cooperative Home Economics Extension programs seventy-five years ago, and which anniversary will be celebrated throughout 1986 commencing March 14, 1986; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize the many contributions, dedication and visionary goals of the founders, leaders, agents and officers of each the Alabama Extension Home Economics Service for its seventy-five years of service, all of which have improved agriculture, home economics and the life of rural and farm families throughout our state, and has served the needs of millions of Alabama families.

BE IT FURTHER RESOLVED, That our best wishes and congratulations are given to all members and participants of the Alabama Extension Home Economics Service on the occasion of its seventy-fifth anniversary.

RESOLVED FURTHER, That official copies of this resolution be transmitted to the appropriate officer or executive so that they and their members may know of this legislature's appreciation for the many contributions of the Alabama Extension Home Economics Service to millions of Alabamians.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 222, was adopted.

Also:

By Reps. Turnham, Drake and Richardson:

H. J. R. 223. COMMENDING THE ALABAMA EXTENSION HOMEMAKERS COUNCIL ON ITS 60TH ANNIVERSARY.

WHEREAS, the Alabama Legislature notes that on August 3, 1926, the Alabama Extension Homemakers Council organized at Auburn University, then named Alabama Polytechnic Institute, has provided voluntary educational programs for the homemaker to function more effectively in her home and community by offering leadership training and community improvement and helping develop initiative among rural women, while being mutually supportive of the Alabama Cooperative Extension Service and maintaining its autonomy, it has offered Alabama farm women an opportunity to be identified with farm women throughout the world through affiliation in the National Home Demonstration Council; and

WHEREAS, the Alabama Extension Homemakers Council, comprised of 8,500 members in 530 local clubs, will convene at Auburn University for its annual meeting June 16-18, 1986, during which time the organization will observe its sixtieth anniversary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize the many contributions, dedication and visionary goals of the founders, leaders, agents and officers of the Alabama Extension Homemakers Council over its sixty years of service, all of which have improved home economics and the life of rural and farm families throughout our state; and has encouraged and developed volunteers and leadership among homemakers; and has served the needs of millions of Alabama families.

BE IT FURTHER RESOLVED, That our best wishes and congratulations are given to all members and participants of the Alabama Extension Homemakers Council on the celebration of its sixtieth anniversary.

RESOLVED FURTHER, That official copies of this resolution be transmitted to the appropriate officers or executives of the organization so that they and their members may know of this legislature's appreciation for their many contributions to millions of Alabamians and communities.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 223, was adopted.

Also:

By Rep. Blake:

H. J. R. 224. CONGRATULATING MR. AND MRS. L. WALTER ASH ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, May 23, 1986, of Mr. and Mrs. L. Walter Ash of St. Clair County, Alabama; and

WHEREAS, L. Walter Ash and his lovely bride, Janie Mildred Lee, who were childhood sweethearts, were joined in wedlock on May 23, 1936, in Branchville, Alabama, at the home of and by the Reverend Claude Murphree, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years, setting an admirable example of faithfulness to others; and

WHEREAS, L. Walter Ash, who was St. Clair County's Father-of-the-Year in 1981, and his wife, Janie Mildred Ash, have been active members of Bethel Baptist Church in St. Clair County for the past 50 years; and

WHEREAS, they are the parents of three children—Evelyn Pair, Harold L. and T. Lynn Ash—and the grandparents of ten wonderful grandchildren and two fine great-granddaughters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in congratulating this exemplary couple, Mr. and Mrs. L. Walter Ash of St. Clair County on the occasion of their Golden Wedding Anniversary, and direct that they receive a copy of this resolution, expressing our sincere best wishes for many more happy years together.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 224, was adopted.

Also:

By Reps. Clark (W), Buskey (JE), Turner, Gaston, Kvalheim, Kennedy, Zoghby, Marietta, Harper and Box:

H. J. R. 225. HONORING SCOTT CUNNINGHAM OF EIGHT MILE, ALABAMA, THE MARCH OF DIMES NATIONAL AMBASSADOR AND 1985-86 POSTER CHILD.

WHEREAS, it is with utmost pride that the Legislature of Alabama notes the selection of six-year old Scott Cunningham of Eight Mile, Alabama, as the 1986 March of Dimes National Ambassador by the March of Dimes Birth Defects Foundation; and

WHEREAS, young Scott Cunningham, Alabama's 1984-85 State Poster Child and the son of Ricky and Camille Cunningham, was chosen over hundreds of other children from across the nation because of his engaging personality, his ability to relate to others and his indomitable spirit and determination by which he has been able to partially overcome the formidable birth defects of Spina Bifida; and

WHEREAS, Scott, who has been attending a local kindergarten, will be traveling throughout the coming year, appearing in each state and attending numerous meetings with March of Dimes staffs and volunteers; he also will meet with President Reagan, as well as with many celebrities, while representing the March of Dimes on the national level and participating in the foundation's mission of preventing birth defects; and

WHEREAS, we are indeed proud of young Scott Cunningham, the first National Ambassador and Poster Child from Alabama in over 25 years; we are even more proud, however, of a courage beyond his years that enabled him to face some ten major surgeries and to at last be able to walk, assisted by braces and other aids; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Scott Cunningham of Eight Mile, Alabama, as the March of Dimes 1986 National Ambassador and 1985-86 National Poster Child.

BE IT FURTHER RESOLVED, That in token of our sincere warm praise and regard, a copy of this resolution shall be presented to Scott that he and his parents, and brother, Wayne, may know of our very best wishes for Scott's every future success and happiness in life.

On motion of Rep. Clark (W), the rules were suspended and the resolution, H. J. R. 225, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Clark (W), Buskey (JE), Turner, Gaston, Kvalheim, Kennedy, Zoghby, Marietta, Harper and Box:

H. R. 226. HONORING SCOTT CUNNINGHAM OF EIGHT MILE, ALABAMA, THE MARCH OF DIMES NATIONAL AMBASSADOR AND 1985-86 POSTER CHILD.

Also:

The following resolutions were introduced:

By Reps. Kennedy, Clark (W) and Buskey (JE):

H. J. R. 227. MOURNING THE DEATH OF JAMES H. WILLIAMS OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death, at the early age of just 57 years, of James H. "Bud" Williams of Mobile, Alabama; and

WHEREAS, a native of Stockton, Alabama, and the son of Mrs. Rebecca Reed Williams and the late Mr. Louis Williams, James H. "Bud" Williams was married in 1953 to the former Miss Theola Washington and they were the parents of five children: Mrs. Quinthia W. Morris, Mrs. Lane W. Jackson, Torris James Williams, Barron R. Williams and Bretland Williams; and

WHEREAS, Mr. Williams, who was an employee for the past 35 years of Alcoa, was a longtime and faithful member of the Ebenezer A.M.E. Zion Church, having been baptized at an early age at Zion Foundation A.M.E. Zion Church where he formerly served as a member of the Junior Trustee Board; he also served on the Board of Stewards at Ebenezer Church and was a loyal member of the Gospel Chorus; and

WHEREAS, James H. Williams was indeed a prominent member of the community and a fine Christian man whose inconsolable loss is even yet felt by his loving family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of James H. "Bud" Williams of Mobile, Alabama, and extend our very deepest sympathy to his dear wife and children, his loving mother, and to other family members, for whom a copy of this resolution shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 227, was adopted.

Also:

By Reps. Kennedy, Clark (W) and Buskey (JE):

H. J. R. 228. MOURNING THE DEATH OF JULIUS VERNON WILLIAMS OF BALDWIN COUNTY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Julius Vernon Williams of Baldwin County, Alabama, on June 9, 1985; and

WHEREAS, "J. V." Williams, as he was widely known, was the son of the late Mr. Sandy and Mrs. Elma Jackson Williams of Point Clear, Baldwin County, Alabama, where he was educated in the public schools; he was married in 1942 to the former Miss Marie Lewis and they were the parents of one son, Julius Vernon Williams, Jr.; and

WHEREAS, a distinguished veteran of World War II and a retired employee of more than 30 years of the historic Grand Hotel in Point Clear, Mr. Williams was a longtime and faithful member of the Antioch Missionary Baptist Church, where he was baptized at an early age and which he served as a member of the Senior Choir; and

WHEREAS, in the death of Julius Vernon Williams, the entire community and his deeply bereaved family have indeed suffered an inconsolable loss, and he yet remains in the hearts and memory of all those whose lives he touched with loving care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Julius Vernon Williams of Baldwin County, Alabama, and extend deepest and sincere sympathy to his dear wife and son, and to other family members, from whom a copy of this resolution shall be provided.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 228, was adopted.

Also:

By Reps. Kvalheim and Zoghby:

H. J. R. 229. MOURNING THE DEATH OF SCEARS LEE, JR., OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama records, with deep regret, the death of Scears Lee, Jr., of Mobile, Alabama, on November 18, 1985; and

WHEREAS, a native of Marion, Alabama, and a resident of Mobile for 22 years, Mr. Lee was a retired area district marketing manager for South Central Bell, a former employee of the First National Bank of Mobile and, at the time of his death, was serving as president of Scears Lee, Jr., and Associates; and

WHEREAS, Mr. Lee also was prominent in civic and community affairs and was a lay reader and former vestry member of All Saints Episcopal Church, a past president of the Mobile County Cancer Society, and a member of the Lions Club, Mobile Country Club, the Athelstan Club and Phi Delta Theta fraternity; and

WHEREAS, he further was a Captain in the United States Army and was a veteran of World War II, and a graduate of the University of Alabama; and

WHEREAS, Scears Lee, Jr., is survived by his wife, Sara Riley Lee; a son, Scears Lee, III; daughter, Susan Adele Lee; his mother, Mrs. Mary Lee; a brother, Tom W. Lee; and other family members to whom we extend deepest and heartfelt sympathy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Scears Lee, Jr., of Mobile, Alabama, and direct that a copy of this

resolution of condolence be forwarded to his family, whose deep sorrow also is ours.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 229, was adopted.

H. 69 AGAIN TAKEN UP

And the bill, H. 69 as amended, and previously temporarily postponed, was again taken up.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 69 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; to provide additional time for overseas Americans to make application for, receive and return absentee ballots; and for such purpose to amend Code of Alabama 1975, Sections 17-10-3, 17-10-5, 17-10-12, 17-10-13, 17-10-14, and 17-16-11; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-10-3 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-3.

"(a) Any qualified elector of this state and any person who, but for having moved from the state within the 30 days immediately preceding the election, is a qualified elector of this state who will be unable to vote at his regular polling place because of his absence from the county of his residence on the day of any primary, general, special or municipal election, or who because of any physical illness or infirmity which prevents his attendance at the polls, whether he is within or without the county on the day of the election, may vote an absentee ballot, provided he makes application in writing therefor not ~~more than 60 nor~~ less than five days prior to the election in which he desires to vote as authorized in this chapter.

"(b) An applicant for an absentee ballot who is a member of the armed forces of the United States, including the Alabama National Guard, the United States naval reserves, the United States air force reserves and the United States military reserves on active duty training or an applicant who is the wife of any member of the armed forces may make application for an absentee ballot by filling out the federal postcard application form, authorized and provided for under the provisions of "The Federal Voting Assistance Act of 1955," Public Law 296, Chapter 656, H. R. 4048, approved August 9, 1955, 84th Congress 1st Session."

Section 2. Section 17-10-5 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-5.

"Upon receipt of the application for an absentee ballot, if the applicant's name appears on the list of qualified voters in the election to be held or, if the voter makes an affidavit for a challenged vote, he shall furnish the

absentee ballot to the applicant by (1) forwarding it by United States mail to such person or (2) by handing the absentee ballot to the voter in person. The absentee election manager shall mail any absentee ballot requested to be mailed no later than the next business day after an application has been received unless such absentee ballots have not been delivered to the absentee election manager, in which case he or she shall hold all requests until such ballots are delivered and shall then respond by placing ballots in the mail no later than the next business day.

"The official list of qualified voters herein referred to shall be furnished to the absentee election manager by the probate judge or other person preparing said list at least ~~21~~ 45 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as such list becomes available. The absentee election manager shall underscore on such list the name of the voter and shall write immediately beside his name the word "absentee." He shall enroll the name, residence and polling place of the applicant, and the date the application was received on a list of absentee voters. The absentee election manager shall each day enter on said list the names, addresses and polling places of each voter who has that day applied for an absentee ballot and shall post a copy of the list of applications received each day on the regular bulletin board or other public place in the county courthouse. Such list shall be maintained in the office of the clerk or register for 60 days after the election, at which time it shall be filed with the probate judge. The absentee election manager shall also, before the polls open at any election, cause to be delivered to the election officers of each polling place a list showing the name and address of every person whose name appears on the official list of qualified electors for such polling place who applied for an absentee ballot in the election. The name of every such persons shall be stricken from the list of qualified electors kept at the polling place, and the person shall not vote again. ~~It shall be necessary for each prospective absentee voter to make application for an absentee ballot for each election in which he proposed to vote an absentee ballot.~~ A prospective absentee voter who makes application for a primary ballot may at the same time apply for an absentee ballot for any subsequent run-off primary and/or general election.

Section 3. Section 17-10-12 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-12.

"Not less than ~~21~~ 40 days prior to the holding of any election to which this chapter pertains, or in the case of a run-off primary election to which this chapter pertains, not more than seven days after the first primary election, the officer charged with the printing and distribution of the official ballots and election supplies shall cause to be delivered to the absentee election manager of each county at which the election is held or to the person designated to serve in his stead a sufficient number of absentee ballots, envelopes and other necessary supplies. If the absentee election manager is a candidate with opposition in the election, he shall immediately, upon receipt of such ballots, envelopes and supplies, deliver the same to the person authorized to act in his stead, as provided for in section 17-10-13.

Section 4. Section 17-10-13 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-13.

"When the clerk, register in chancery is a candidate for any office, he shall be disqualified from performing any of the duties imposed by this

chapter with reference to the handling of absentee ballots. At least ~~30~~ 90 days prior to the election, the clerk, register or register in chancery shall certify to the presiding circuit judge of the county his candidacy or that he is disqualified to serve or otherwise prevented from serving. The presiding circuit judge shall thereupon appoint a person to serve as absentee election manager in the manner provided for in section 17-10-2.

Section 5. Section 17-10-14 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-10-14.

"The county commission shall determine the amount of compensation to be paid to the absentee election manager or other absentee election manager for the performance of his duties with respect to the absentee ballots during the ~~21~~ 45 day period prior to and on the day of the election for which his services are required, but such compensation shall not exceed $25.00 per day. Such an amount shall be the total compensation allowed the absentee election manager for duties relating to absentee ballots in all elections held on the same day and shall be paid from the county treasury, except in case of a municipal election held at a time different from a primary or general election, in which event payment shall be made from the city or town treasury. However, no municipal employee shall be compensated for his services in this regard.

Section 6. Section 17-16-11 of the Code of Alabama 1975 is hereby amended to read as follows:

"§17-16-11.

"(a) All candidates for nomination to public office or for election to party office in the primary provided for in this chapter shall file their declaration of candidacy with the state party chairman if they seek any office other than a county office (including federal, state, circuit and district offices, the state senate and house of representatives), and with the county party chairman if they seek a county office, not later than 5:00 P.M. 60 days before the date of such primary.

"(b) The state party chairman shall, no later than 5:00 P.M. ~~50~~ 55 days before the primary, certify the names of all primary candidates, except candidates for county offices, to the secretary of state. The county party chairman shall, not later than 5:00 P.M. ~~50~~ 55 days prior to the date of the primary election, certify to the probate judge the names of all candidates for nomination to county offices or election to county party offices. The secretary of state shall, not less than ~~40~~ 50 days prior to the date of the primary election, certify to the probate judge of every county in which the election is to be held the names of the opposed candidates for nomination to federal, state, circuit or district offices, the state senate and house of representatives, and all other opposed candidates to public or party office, except candidates for county offices.

"(c) The probate judge of each county shall have the ballots prepared for the primary election. If a legally qualified candidate for nomination to an office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be the nominee of the party with which he has qualified for the office. If a legally qualified candidate for election to a party office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the

primary election, and he shall be declared elected to the party office for which he qualified.

Section 7. This act shall become effective on January 1, 1987.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Beasley, Blakeney, Boles, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McNair, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Venable, White (L) and Zoghby.

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And the bill, H. 69 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Boles, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Box would have voted "Yea" on the bill, H. 69, had he been in the Chamber at the time of voting.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 230. COMMENDING THE HI PINE PLEASANT HILL VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 231. COMMENDING THE DELTA VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 232. COMMENDING THE CRAGFORD CORINTH VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 233. COMMENDING THE COPPER MINE VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 521. To propose an amendment to the Constitution of Alabama of 1901 relating to the levy and collection of an additional special ad valorem property tax in Morgan County.

JIMMY CLARK,
Chairman.

And the bill, H. 521 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 227. To name and designate the college resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College as Gadsden State Community College.

JIMMY CLARK,
Chairman.

And the bill, H. 227 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 20. To provide a statutory remedy to the purchaser of a motor vehicle, or successors in interest, against the manufacturer thereof, requiring the replacement of the motor vehicle or the refund of its purchase price, by the manufacturer, where the motor vehicle fails to conform to the manufacturer's warranties thereon in a substantial way and the manufacturer fails to remedy such non-conformity.

JIMMY CLARK,
Chairman.

And the bill, H. 20 as engrossed, was sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Laird, the rules were suspended in order to take up out of order the bill, H. 335.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to H. B. 335, was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, McNair, Mikell, Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

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CO-SPONSORS ADDED

Reps. Gray, McDowell, Grouby, Cosby, Rice, Clark (W) and Box were added as co-sponsors to the bill, H. 335.

And the bill:

H. 335. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), and White (L).

—91

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 335:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Davis, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Trammell, Turner, Venable, White (G) and White (L).

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 234. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption, the following bills shall be made the special, paramount and continuing order of business for Thursday, February 20, 1986, until such time as said bills are disposed of:

Bill No.	Sponsor	Short Title	Page
H. 202 (w/amdt)	Carothers	Medical liability insurance, reports required	19
H. 272	Grayson	Local school trustees	36
H. 184	Box	Mental Health; guardian/disabled person	27
H. 316	Richardson	Motor-driven cycles; driver's licenses	31
H. 271	Boles	Hub airlines; tax exemption	21
H. 48	White (L)	Pharmacists, examination of applicants	5

H. 203	Johnson (RG)	Bd. of Medical Examiners; regulations	7
H. 178	Biddle	Bd. of Medical Examiners; complaints	6
H. 176	Coleman	Realtors; continuing education	3
H. 62 (w/sub.)	Johnson (RW)	Cable television services, theft	24
H. 179 (w/sub.)	Biddle	Donor organs, acquisition of	18
H. 196	Campbell	Organ Procurement Act	7
H. 39	Biddle	Medical license; fraudulent application	28
H. 204	Carothers	Medical Licensure Comm; disciplinary action	8
H. 439	White, Lester	Dept. of Pensions & Security: name change	54

On motion of Rep. Clark (J), the resolution, H. R. 234, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 137. INVITING THE HONORABLE GEORGE C. WALLACE, GOVERNOR OF ALABAMA, TO ADDRESS THE LEGISLATURE.

WHEREAS, there are many problems facing the Legislature of Alabama which require serious consideration and action based on the best information available; and

WHEREAS, the Governor has an overview of matters involving the entire state, and his wisdom will be of great benefit to the Legislature in its decisions; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that Governor George C. Wallace is hereby invited to address a Joint Session of the Legislature at 1:30 P.M. today, February 20, 1986.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Goodwin, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 137, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Figures and Bedsole:

S. J. R. 135. HONORING SCOTT CUNNINGHAM OF EIGHT MILE, ALABAMA, THE MARCH OF DIMES NATIONAL AMBASSADOR AND 1985-86 POSTER CHILD.

By Senator Sanders:

S. J. R. 136. COMMENDING OTHO ROWLES, SAM WEATHERLY, JOHN WARREN AND NELL THRASHER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Clark (J), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 135 and S. J. R. 136, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution relating to H. B. 202, was adopted.

Yeas 70; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Clark (D), Coburn, Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McMillan, McNair, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G) and White (L).

—70

And the bill:

H. 202. (With Amendment): To require insurance companies which sells medical liability insurance in this state to report to the appropriate state licensing agencies any judgment or settlement resulting from a claim for personal injuries caused by an error, omission or negligence in the performance of professional services; to provide for the form and content of

the report made by the insurance company; to provide for the confidentially of all reports required by this provision and all findings and records made by the licensing board thereon; to provide penalties for failure to make required reports; to provide for the severability of the provisions of this act; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 202, in the Title, page 1, line 22, after the words "for the" by striking ~~confidentially~~ and inserting in lieu thereof confidentiality

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F) and White (G).

—76

And the bill:

H. 202. To require insurance companies which sell medical liability insurance in this state to report to the appropriate state licensing agencies any judgment or settlement resulting from a claim for personal injuries caused by an error, omission or negligence in the performance of professional services; to provide for the form and content of the report made by the insurance company; to provide for the confidentiality of all reports required by this provision and all findings and records made by the licensing board thereon; to provide penalties for failure to make required reports; to provide for the severability of the provisions of this act; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this Act.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Martin, Mathis, McDowell, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker,

Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—84

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Rep. Grayson to adopt the Budget Isolation Resolution relating to H. B. 272, was lost, lacking a three-fifths vote of a quorum present.

Yeas 45; Nays 33.

Yeas:

Reps. Adams, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (J), Clark (W), Coburn, Cosby, Davis, Grayson, Hettinger, Holmes, Johnson (RG), Kennedy, Martin, McDowell, McNair, Melton, Mitchell, Newton, Onderdonk, Parker, Perdue, Richardson, Rogers, Sasser, Seibels, Spratt, Tanner, Thomas, Turner, Venable, Warren, White (F) and White (L).

—45

Nays:

Reps. Beasley, Beers, Britnell, Bugg, Carothers, Coleman, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RW), Junkins, Kvalheim, Lauderdale, Lindsey, Mathis, McMillan, Mikell, Newman, Nicholson, Payne, Penry, Pratt, Rains, Starkey and Zoghby.

—33

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to H. B. 184, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JE), Butler, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—73

And the bill:

H. 184. The Probate Court shall have authority and the duty to appoint any suitable person or agency, public or private, including a private association or non-profit corporation as a guardian" for a developmentally disabled person.

Was taken up.

AMENDMENT OFFERED

Rep. Gray offered the following amendment to the bill, H. 184:

Amend House Bill 184, Section 1, Page 1, Line 30, after the word "palsy" by striking the following: epilepsy

AMENDMENT TABLED

On motion of Rep. Box, the amendment offered by Rep. Gray to the bill, H. 184, was tabled.

Yeas 48; Nays 6.

Yeas:

Mr. Speaker, Bachus, Beasley, Biddle, Blake, Box, Brakefield, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Cosby, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Harvey, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, McMillan, Melton, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Rice, Spratt, Starkey, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—48

Nays: Reps. Beers, Brooks, Crow, Gray, Rains and Seibels. —6

And the bill, H. 184, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Melton, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

Nay: Rep. Gray. —1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 89. Relating to banks, banking and branch banking which: amends Title 5 of the Alabama Code of 1975 by adding Chapter 13A so as to create the "Alabama Regional Reciprocal Banking Act of 1986"; provides definitions; authorizes any bank holding company whose principal place of business is in any one of certain jurisdictions to acquire banks and bank holding

companies located in Alabama under certain conditions and limitations; requires divestiture in certain circumstances; provides applicable law and for regulatory supervision and enforcement authority; provides for application fees; provides for severability of provisions; restricts amendment of §5-5A-20, Code of Alabama, 1975; and provides an effective date.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Rep. Richardson to adopt the Budget Isolation Resolution relating to the bill, H. 316, was lost.

Yeas 18; Nays 31.

Yeas:

Reps. Beasley, Blake, Brooks, Burke, Buskey (JE), Campbell, Clark (J), Clark (W), Grouby, Harper, Harvey, Junkins, Lauderdale, Lindsey, Martin, Melton, Onderdonk and Starr.

—18

Nays:

Reps. Bachus, Biddle, Brakefield, Butler, Carothers, Carter, Crow, Faulk, Ford, Gaston, Goodwin, Holley, Johnson (RG), Johnson (RW), Kvalheim, Mathis, Mikell, Newman, Nicholson, Parker, Payne, Poole, Pratt, Rice, Sasser, Starkey, Thomas, Warren, White (F), White (L) and Zoghby.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Boles, Budget Isolation Resolution relating to H. B. 271, was adopted.

Yeas 80; Nays 1.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE),

Buskey (JL), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Faulk, Ford, Fuller, Gaston, Goodwin, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, McNair, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, White (G), White (L) and Zoghby.

—80

Nay: Rep. White (F). —1

And the bill:

H. 271. To grant tax exemptions for the benefit of certain air carriers; to exempt from the tax levied by Article 6 of Chapter 3 of Title 28 of the Code of Alabama 1975 on the sale of spirituous or vinous liquors certain sales of spirituous or vinous liquors to a certificated or licensed air carrier with "a hub operation within this state," as herein defined; to amend Section 40-9-1, Code of Alabama 1975, by adding subdivision (24) to exempt from ad valorem tax all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-12-223, Code of Alabama 1975, by adding subdivision (13) to exempt from rental tax the gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-14-41, Code of Alabama 1975, by adding subdivision (d)(2)(E) to provide for a deduction from the amount of capital employed in the state for purposes of computing the franchise tax applicable to foreign corporations the amount invested by the taxpayer in all real and personal property, equipment, facilities, structures and components thereof including all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-17-31, Code of Alabama 1975, by adding subdivision (d)(4) to exempt from excise tax gasoline or other fuel used to propel aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4, Code of Alabama 1975, by adding subdivision (40) to exempt from sales tax the gross receipts from the sale of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4 by adding subdivision (41) to exempt from sales tax the gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (32) to exempt from use tax the storage, use or other consumption of any aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; and to further amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (33) to exempt from use tax the storage, use or other consumption of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state.

Was taken up.

H. 271 POSTPONED

On motion of Rep. Sasser, consideration of the bill, H. 271, was postponed to the thirteenth legislative day.

RESOLUTION

The following resolution was introduced:

By Reps. Grayson and Holmes:

H. J. R. 235. COMMENDING KAPPA ALPHA PSI FRATERNITY.

WHEREAS, Kappa Alpha Psi Fraternity, Inc., was founded January 11, 1911, at Indiana University and the Huntsville Alumni Chapter of Kappa Alpha Psi Fraternity, was chartered February 21, 1960; and

WHEREAS, Kappa Alpha Psi Fraternity is celebrating 75 years of service to the nation and 25 years of outstanding service to the professional and cultural development of young men of Huntsville, Alabama; and

WHEREAS, the 70,000 men of Kappa Alpha Psi Fraternity, have contributed immeasurably to the improvement of life for all Alabamians through such programs as Big Sister - Big Brothers, Education for Achievement and voter registration; and

WHEREAS, the gallant group of men who make up this fine organization have made significant contributions to their communities, the state and nation; and

WHEREAS, the 36th provincial council of Kappa Alpha Psi Fraternity will meet in the High-Tech City of Huntsville, Alabama, March 27-29, 1986; and

WHEREAS, it is the desire of this body to recognize the significant and outstanding contributions of Kappa Alpha Psi to the improvement of life for all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend an accolade of thanks to Kappa Alpha Psi Fraternity, Inc., as a token of the esteem in which we hold the achievements of this great organization.

On motion of Rep. Grayson, the rules were suspended and the resolution, H. J. R. 235, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Buskey (John):

H. 596. To provide for the creation, promulgation, and dissemination of written policies for educational support personnel.

Committee on Education.

By Rep. Beasley (With Notice and Proof):

H. 597. Relating to Henry County; providing for an expense allowance for the County Superintendent of Education; repealing Act No. 81-262, H. 643 (Acts 1981, p. 343); and providing for its retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 597, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 598. To amend Section 13A-10-10 of the Code of Alabama 1975, relating to the crime of impersonating a public servant, so as to further define said crime and to increase the penalties for violation.

Committee on Judiciary.

By Rep. White (L):

H. 599. To amend section 34-22-42, Code of Alabama 1975, which relates to the duties and powers of the Alabama Board of Optometry, so as to provide that members of the board shall be immune from civil liability for conduct in the course of their official duties.

Committee on Ways and Means.

By Reps. Fuller and Laird (With Notice and Proof):

H. 600. Relating to Chambers County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official and permanent records in Chambers County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 600, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Seibels, Spratt, McDowell, Davis, Rogers, Martin, Gray, Perdue, Brooks, Newton, Zoghby, and White (G):

H. 601. Incorporated municipalities shall be authorized to annex unincorporated territory which lies and is located in, and which is presently within the corporate limits of such municipality and has been so enclosed for a period of three years or more; prescribing procedures for the annexation of such unincorporated territory; prescribing procedures for municipal ad valorem annexed taxation of such annexed territory.

Committee on Local Government.

By Rep. Beasley:

H. 602. To reopen the teachers' and employees' retirement systems of Alabama for purchase of credit for certain nonmembership service by active

and contributing members of said systems; to prescribe a certain limit on the amount of such nonmembership service that may be purchased by such members and to prescribe a certain time frame during which such credit may be purchased.

Committee on Ways and Means.

By Reps. Brakefield and Nicholson:

H. 603. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1987.

Committee on Ways and Means.

By Reps. Seibels, Perdue, Biddle, Davis, McDowell, Martin, Pratt, Boles, Trammell, and Gray:

H. 604. To exempt the Charley Boswell Celebrity Golf Classic from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 605. To amend Sections 32-6-5 and 32-6-6 of the Code of Alabama 1975 relating to drivers' licenses and motor vehicles' registration so as to provide further for judges of probate or license commissioners to forward the negatives of driver's license photographs to the Director of Public Safety and to issue drivers' licenses at the county level and to provide for a voluntary anatomical gift to be made by the holder of a valid Alabama driver's license.

Committee on State Administration.

By Rep. Campbell:

H. 606. To amend §34-24-361 Code of Alabama, 1975, to provide that complaints before the Medical Licensure Commission and the Board of Medical Examiners and testimony with respect thereto are absolutely privileged and to grant immunity from suit to the Board of Medical Examiners and the Medical Licensure Commission.

Committee on Ways and Means.

By Reps. Bugg and Turnham:

H. 607. To amend Section 18-3-1, Code of Alabama 1975, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

Committee on Judiciary.

By Reps. Kennedy, Reed, Turner, Buskey (James), Clark (W), Black, Onderdonk, Warren, Box, Blake, Cosby, Faulk, Buskey (John), Mathis, Johnson (RW), Bowling, Davis, McDowell, Perdue, Newton, Spratt, Martin, Bugg, Lauderdale, Grayson, Carter, Trammell, Boles, McNair, Rogers, Melton, Albright, Flowers, Thomas, Zoghby, Blakeney, Bryant, Marietta, Poole, and Junkins:

H. 608. To establish the Community Stabilization Assistance Act; to provide for loans to employees who have been terminated by plant closings; to provide for a board to administer the loans; and to provide for funding

and criteria for eligibility for said loans; to make an appropriation for each of the next three fiscal years; and to provide for a retroactive effect.

Committee on Ways and Means.

By Reps. Starkey, Drake, Butler, Cosby, Carter, Grayson, Hettinger, Martin, Lauderdale, Goodwin, Bowling, Coburn, Clark (D), Richardson, Davis, Rogers, Britnell, Harvey, Turner, Clark (W), Kennedy, Marietta, and White (F):

H. 609. To amend Section 41-9-782, Code of Alabama 1975, which provides for the authority of the Tennessee Valley Exhibit Commission, so as to provide further for the Commission's authority to sell bonds.

Committee on Ways and Means.

By Rep. Pratt:

H. 610. Providing immunity from civil liability for certain law enforcement officers making arrests without warrants under the authority of Section 15-10-3(6) of the Code of Alabama 1975.

Committee on Judiciary.

By Reps. Drake, Smith, Richardson, Reed, Butler, White (F), Lindsey, Grouby, Penry, Coleman, Blakeney, Mitchell, Rains, Faulk, Turnham, Preuitt, Bowling, Carter, Junkins, Holley, Warren, Beasley, Thomas, Johnson (RW), Tanner, Venable, Gaston, Hammett, Browder, Martin, Bryant, Blake, Clark (J), Newton, Clark (D), Starkey, Adams, Kvalheim, Onderdonk, Burke, Crow, Harvey, Newman, Goodwin, Flowers, Lauderdale, Britnell, Turner, Poole, Mathis, Brakefield, Johnson (RG), Carothers, Starr, McKee, McMillan, Black, and Campbell:

H. 611. To establish the Farm Crisis and Transition Program and Commission in the State to provide needed career-oriented technical education and counseling services to farmers and agricultural businessmen in the State in the fields of agricultural finance and accounting, law, farm planning, vocational training and social services at a reasonable cost or on a no-cost basis; to provide supplemental job training to enable economically distressed farmers and agricultural businessmen to remain in farming or to retain their businesses or to facilitate an orderly transition from agriculture to other activities; to provide for the employment by the Commission of a program coordinator, necessary staff and specialist support personnel; to provide that the Commission may appoint an advisory committee; to provide for regional offices to be established to coordinate local regional activities and provide for certification of qualified professionals in the fields of agricultural finance and accounting, law, farm planning, vocational training and social services; to provide farmers and agricultural businessmen seeking program assistance with names of qualified and certified professionals in their region; to ensure that regional offices actively initiate and maintain a highly visible public awareness program and prepare a descriptive system of periodic program reports with the Commission; to provide for coordination of the Commission's activities with all other state agencies involved in providing services to farmers; to authorize the Governor to accept, on behalf of the State, private contributions for the benefit of the Program; to provide for the severability of the provisions of this Act; and to provide an effective date.

Committee on Agriculture and Forestry.

By Reps. Clark (J), Drake, Campbell, Venable, Johnson (RW), Turner, and Zoghby:

H. 612. To amend Section 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue deposited in the general fund.

Committee on Ways and Means.

By Reps. Holmes, Sasser, Drake, Britnell, and Flowers:

H. 613. To amend Section 28-3-184, Code of Alabama 1975, which relates to the collection of five cents for each 12 fluid ounces or fractional part thereof and the distribution of said taxes.

Committee on Ways and Means.

By Reps. Onderdonk and Drake:

H. 614. To amend §9-17-1, and §40-20-1 Code of Alabama 1975, to clarify the definitions of oil and gas so as to specifically include in those definitions all products resulting from the cleansing, processing or refining of oil or gas.

Committee on Ways and Means.

By Reps. Rice, Drake, Adams, Britnell, Coburn, Flowers, Preuitt, and Fuller:

H. 615. To provide revenue by levying a 5% privilege or license tax on the gross receipts of all operations to include but not limited to the parking, admission, pari-mutuel pool, food, beverage and concession sales and any other ancillary operations incidental to the operations by persons, firms or corporations, engaged in the business of conducting pari-mutuel betting at any race track in the State of Alabama and to provide for the assessment and collection of such tax; to confer powers and impose duties on the Department of Revenue; to provide for the distribution of the proceeds of such tax; and to prescribe penalties for non-compliance.

Committee on Ways and Means.

By Reps. Sasser, Drake, and Britnell:

H. 616. To amend §40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for distribution of the increase of the State General Fund.

Committee on Ways and Means.

By Rep. Thomas (With Notice and Proof):

H. 617. Relating to Lowndes County; providing for a chief clerk and clerk for the probate judge; and prescribing the duties and setting the salaries for such clerks; providing for the hiring of a part-time clerk; repealing Act No. 119, H. 115, of the 1978 Special Session (Acts 1978, p. 1835), Act No. 316, H. 719, of the 1939 Regular Session (Acts 1939, p. 205) and Act No. 40, H. 215 of the 1951 Regular Session (Acts 1951, p. 248).

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 617, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Thomas (With Notice and Proof):

H. 618. Relating to Lowndes County; suspending the implementation of the provisions of Act No. 85-740, H. 900, 1985 Regular Session, as amended by Act No. 85-827, S. 150, 1985 2nd Special Session, until January 1, 1987.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 618, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Thomas (With Notice and Proof):

H. 619. Relating to Lowndes County, Alabama; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of Quarter, Appaloosa, and Arabian Horse Racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the pari-mutuel of certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; and to provide certain penalties for the violation of this act and for other purposes relative thereof.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 619, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake:

H. 620. To exempt the Eye Foundation, Inc., and any of its branches and agencies from all state, county, or municipal sales or use taxes.

Committee on Ways and Means.

By Rep. Cosby:

H. 621. Proposing an amendment to the Constitution, 1901, creating "Share the Growth Plan" relating to the total revenues of the state and the maximum appropriation the legislature may make from funds dedicated to the special educational trust funds; providing that any excess of revenues accrued for the special educational trust fund shall be automatically transferred into the general fund of the state treasury for appropriations as determined by the legislature; to allow the legislature to make appropriations from the general fund to the special educational trust fund; and providing the provisions shall be self-executing.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Rice and Turnham (With Notice and Proof):

H. 622. Relating to Lee County; authorizing the county commission to establish fire districts and to provide fire fighting and fire prevention services for dwellings, commercial structures, field and forest lands through the use of volunteer fire departments in cooperation with the Alabama Forestry Commission; authorizing the county commission to assess the whole or a part of the costs thereof, within a prescribed limit, against said recipients; and prescribing the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 622, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Onderdonk and Drake:

H. 623. Relating to the regulation of the production of oil and gas in this State; to amend Sections 9-17-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, to define an oil or gas pool, to define an oil or gas field, to define waste to permit gas produced from a gas well to escape into the air for safety reasons, to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity, and to define NGPA as the federal Natural Gas Policy Act of 1978; to amend 9-17-6, Code of Alabama 1975, to authorize the Board to regulate enhanced recovery methods, including Class II injection wells; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend 9-17-13, Code of Alabama 1975, to clarify the definition of enhanced recovery methods; to amend Section 9-17-24, Code of Alabama 1975, to authorize the Board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees, and application fees shall be paid into the State Oil and Gas Board Special Fund; to amend Sections 9-17-25, 9-17-26, and 9-17-31, Code of Alabama 1975, to clarify the definition of oil and gas; to amend Section 40-20-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, and to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity.

Committee on Ways and Means.

By Rep. White (L):

H. 624. To amend section 34-22-42, Code of Alabama 1975, which relates to the duties and powers of the Alabama Board of Optometry, so as

to provide that members of the board shall be immune from civil liability for conduct in the course of their official duties as board members.

Committee on Health.

By Rep. Nicholson:

H. 625. To establish the offense of criminal trespass by motor vehicle and to provide for penalties.

Committee on Judiciary.

RECESS

On motion of Rep. Johnson (RW), the House recessed in order to meet in Joint Session for the purpose of hearing an address by Governor George C. Wallace.

JOINT SESSION

Pursuant to the resolution, S. J. R. 137, heretofore adopted, and the hour of 1:30 o'clock p.m., having arrived, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the hall of the House of Representatives for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable William Baxley, Lieutenant Governor and Presiding Officer of the Senate.

GOVERNOR'S MESSAGE

His Excellency, George C. Wallace, Governor of the State of Alabama, appeared before the Joint Session and delivered in person his Message.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolution was introduced:

By Reps. Rains, Burke, Lindsey and Coleman:

H. J. R. 236. COMMENDING JAMES H. JOHNSON OF MENTONE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AS GENERAL MANAGER OF THE FARMERS TELEPHONE COOPERATIVE.

WHEREAS, James H. Johnson of Mentone, Alabama, was among the first employees hired by Farmers Telephone Cooperative in 1955; he worked first as chief accountant, then as office manager and, in 1976, was promoted to general manager, the position he held until retirement on December 31, 1985; and

WHEREAS, during Mr. Johnson's tenure as general manager, Farmers Telephone Cooperative has shown a steady growth and its more than 12,500

current subscribers make it the largest telephone cooperative in Alabama and one of the top 100 telephone companies in the United States; and

WHEREAS, among the major accomplishments of Farmers, under the leadership and long range planning of James H. Johnson, are the establishment of a Vehicle and Work Equipment Maintenance Shop; the computerization of office functions; re-organization of management structure; upgrading to all private line service; and the T-Carrier installation that allows Extended Area Service between all exchanges; and

WHEREAS, additional accomplishments realized by FTC during the past ten years include the placement in service of the first Digital Central Office in the Rainsville Exchange which was the first such office in operation within the State of Alabama; improvement of debt to equity ratio by 15%; the purchase of additional, much needed acres of land; the remodeling of the headquarters office building in Rainsville; and the establishment of a mathematic scholarship at Northeast College in the amount of $500 per year to be awarded to a Farmers subscriber; and

WHEREAS, Mr. Johnson's tenure with Farmers Telephone Cooperative has been one of positive and progressive leadership that has resulted in the recognition and respect of the cooperative as a leader in rural telephony; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding and dedicated service to the Farmers Telephone Cooperative, we hereby most highly commend James H. Johnson and direct that he receive a copy of this resolution, executed in deep admiration and highest regard of his numerous and notable accomplishments.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 236, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 237. CONGRATULATING MR. AND MRS. LUTHER CHANCY ON THE OCCASION OF THEIR 58TH WEDDING ANNIVERSARY.

MOTION TO ADJOURN LOST

The motion offered by Rep. Johnson (RW) that the House adjourn until 3:00 o'clock p.m., Tuesday, February 25, 1986, was lost.

Yeas 33; Nays 35.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Bryant, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Davis, Fuller, Goodwin, Grayson, Hammett, Holley, Holmes, Johnson (RW), Lauderdale, Marietta,

Martin, Melton, Parker, Perdue, Rains, Rogers, Sasser, Starkey, Thomas and Trammell.

—33

Nays:

Reps. Adams, Beasley, Box, Bugg, Burke, Butler, Carothers, Coleman, Cosby, Crow, Faulk, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Mathis, McMillan, Newman, Newton, Nicholson, Penry, Poole, Pratt, Rice, Richardson, Spratt, Starr, Turnham, Venable, White (G), White (L) and Zoghby.

—35

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 202. To require insurance companies which sell medical liability insurance in this state to report to the appropriate state licensing agencies any judgment or settlement resulting from a claim for personal injuries caused by an error, omission or negligence in the performance of professional services; to provide for the form and content of the report made by the insurance company; to provide for the confidentiality of all reports required by this provision and all findings and records made by the licensing board thereon; to provide penalties for failure to make required reports; to provide for the severability of the provisions of this act; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this Act.

JIMMY CLARK,
Chairman.

And the bill, H. 202, as engrossed, was sent to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On Motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 48, was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Box, Britnell, Browder, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith,

Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (L) and Zoghby.

—61

And the bill:

H. 48. To amend Section 34-23-51, Code of Alabama 1975, which provides for licensing and examinations of pharmacists, so as to provide further for the examinations of applicants for the profession.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Fuller, Goodwin, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, Melton, Mikell, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution relating to H. B. 203, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Boles, Box, Brakefield, Britnell, Browder, Burke, Carothers, Carter, Clark (D), Coleman, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, McMillan, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—60

And the bill:

H. 203. Relating to the Board of Medical Examiners and the Medical Licensure Commission to authorize the Board of Medical Examiners in its capacity as a certifying board to assess administrative fines not to exceed $1500.00 for each violation of the provisions of §20-2-54 or the rules and regulations of the Board; and further to authorize the Medical Licensure Commission to assess administrative fines not to exceed $2500.00 for violations of §34-24-360 or the rules and regulations of the Commission; and further to provide that a portion of these fines shall be paid to the Board and deposited in a segregated account designated The Alabama Physicians Education Fund; and further to authorize at the discretion of the Board of

Medical Examiners the expenditure of funds in The Alabama Physicians Education Fund only for the education, rehabilitation or treatment of physicians licensed to practice medicine in Alabama who are impaired by reason of mental or emotional illness or addiction to alcohol or drugs or for programs of continuing medical education; and further to provide that the Board is authorized to contract for programs, services, and materials without regard to the competitive bid laws for expenditures made from The Alabama Physicians Education Fund; and further to provide that the Medical Licensure Commission shall not renew the annual certificate of registration of any physician against whom an administrative fine has been assessed until the fine is paid in full; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Was taken up.

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 203:

Amend House Bill 203, page 3, Section 5, line 22 after the words "established by the Board" and the sentence, by inserting the following new sentence.

Reimbursement shall be required on any funds expended for the treatment of alcohol and/or drug related problems in accordance with a schedule agreeable to the Board or Commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Blakeney, Boles, Box, Britnell, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coleman, Crow, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Spratt, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—63

And the bill, H. 203 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coleman, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Newman, Nicholson, Parker,

Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—69

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution relating to H. B. 178, was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, Melton, Mikell, Newman, Nicholson, Parker, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—71

And the bill:

H. 178. To amend §34-24-361 Code of Alabama, 1975, to provide that complaints before the Medical Licensure Commission and the Board of Medical Examiners and testimony with respect thereto are absolutely privileged and to grant immunity from suit to the Board of Medical Examiners and the Medical Licensure Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McDowell, McMillan, McNair, Melton, Mikell, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

Nay: Rep. Rains. —1

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Rep. Coleman to adopt the Budget Isolation Resolution relating to the bill, H. 176, was lost, lacking a three-fifths vote of a quorum present.

Yeas 29; Nays 21.

Yeas:

Mr. Speaker, Bachus, Beasley, Blake, Box, Bryant, Burke, Clark (D), Clark (J), Coleman, Gaston, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kvalheim, Martin, McMillan, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt and Rice.

—29

Nays:

Reps. Albright, Brakefield, Buskey (JE), Clark (W), Davis, Escott, Faulk, Goodwin, Grayson, Kennedy, Laird, Mathis, McDowell, Payne, Pratt, Rains, Rogers, Starkey, Warren, White (F) and White (G).

—21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Buskey (JE), that the House adjourn until 3:00 o'clock p.m., Tuesday, February 25, 1986, was lost.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to H. B. 62, was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—79

And the bill:

H. 62. (With Substitute): To provide for criminal penalties and civil liability for the theft of certain cable television services, and to provide for the confiscation of certain equipment used in the theft of any such cable television services.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for criminal penalties and civil liability for the theft of certain cable television services, and to provide for the confiscation of certain equipment used in the theft of any such cable television services.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, unless the context requires otherwise, "cable television company" or "company" means any franchised or other duly licensed company which is operated or intended to be operated to perform the service of receiving and amplifying the signals broadcast by one (1) or more television stations and redistributing such signals by wire, cable or other device or means for accomplishing such redistribution, to members of the public who subscribe to such service, or distributing through such company's antennae, poles, wires, cables, conduits or other property used in providing service to its subscribers and customers any television signals whether broadcast or not.

Section 2. It shall be a misdemeanor for any person to knowingly:

(a) Obtain or attempt to obtain cable television service from a company by trick, artifice, deception or other fraudulent means with the intent to deprive such company of any or all lawful compensation for rendering each type of service obtained;

(b) assist or instruct any other person in obtaining or attempting to obtain any cable television service without payment of all lawful compensation to the company providing such service;

(c) make or maintain a connection or connections, whether physical, electrical, mechanical, acoustical or by other means, with any cables, wires, components or other devices used for the distribution of cable television without authority from the cable television company;

(d) make or maintain any modification or alteration to any device installed with the authorization of a cable television company for the purpose of intercepting or receiving any program or other service carried by such company which such person is not authorized by such company to receive;

(e) manufacture, import into this state, distribute, sell, lease or offer, possess, or advertise for sale or lease any device, or any plan or kit for a device or for a printed circuit designed in whole or in part to decode, descramble or otherwise make intelligible any encoded, scrambled or other nonstandard signal carried by a cable television company with the intent that such device, plan or kit be used for the theft of such company's services;

(f) provided, however, that nothing in this section shall be construed to prohibit the manufacture, importation, sale, lease or possession of any television device possessing the internal hardware necessary to receive cable television signals without the use of a converter device or box, or of any television advertised as "cable ready";

(g) manufacture, import into this state, distribute, sell, offer for sale, rent or use any device, plan or kit for a device, designed in whole or in part to unlawfully perform or facilitate the unlawful performance of any of the acts set out in subsections (a)—(e) of this section;

(h) provided, that nothing in this section shall be construed to limit a subscriber's equipment selection to that of the cable company, so long as all equipment is properly installed and meets all local and FCC requirements.

Any person violating the provisions of this section shall, upon conviction, be guilty of a Class B misdemeanor.

Section 3. In a prosecution for a violation of this act, the existence on the property and in the actual possession of the defendant of (1) any connection, wire conductor or any device whatsoever, which is connected in such a manner as would permit the receipt of cable television service without such service being reported for payment to and specifically authorized by the cable television company or (2) the existence on the property and in the actual possession of the defendant, where the totality of the circumstances, including quantities or volumes, surrounding the defendant's arrest indicate possession for resale, of any device designed in whole or in part to facilitate the performance of any of the illegal acts set out in Section 2 of this act shall constitute prima facie evidence of the defendant's intent to violate the provisions of this act.

Section 4. (a) Any person who violates the provisions of subsection (e) of Section 2 shall, in addition to the criminal penalties provided in this act, be civilly liable to the aggrieved cable television company for an amount not to exceed the greater of the following amounts:

(1) One thousand dollars ($1,000); or

(2) Double the amount of actual damages, if any, sustained by the cable television company.

(b) Any person who violates the provisions of any subsection of Section 2 for a second or subsequent time shall, in addition to the criminal penalties provided by this act, be civilly liable to the aggrieved cable television company for an amount not to exceed the greater of the following amounts.

(1) Two thousand dollars ($2,000); or

(2) Double the amount of actual damages, if any, sustained by the cable television company.

Section 5. (a) Any cable television company may, in accordance with the Alabama Rules of Civil Procedure, bring an action to enjoin and restrain any violation of the provisions of this act, and may in the same action seek damages as provided in the preceding section.

(b) It is not a necessary prerequisite to a civil action pursuant to this act that the cable television company prove it has suffered, or is threatened with, actual damages.

Section 6. Any electronic or communications equipment or any other such devices used to violate the provisions of this act shall be considered contraband subject to seizure and forfeiture to the state.

Section 7. The provisions of this act shall have no application to satellite reception dishes nor related equipment or accessories used in connection with satellite reception dishes.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McDowell, McNair, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—81

And the bill, H. 62 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McDowell, McMillan, McNair, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution relating to H. B. 179, was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE),

Buskey (JL), Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Faulk, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, McDowell, McMillan, McNair, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Warren, White (G) and Zoghby.

—68

And the bill:

H. 179. (With Substitute): Relating to the acquisition and transportation and transplantation of donor organs; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, and/or transplantation but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation and/or transplantation of organs shall strictly adhere to and follow established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the acquisition and/or transportation of donor organs retrieved in Alabama; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, of organs retrieved in Alabama; but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of quality assurance; after Chairman establishes and promulgates initial standards of quality assurance, Chairman is to circulate proposed updating of quality assurance standards to institutions

then performing organ transplantation, but Chairman shall still have final and sole decision to establish and promulgate whatever appropriate for updating standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation of organs retrieved in Alabama shall strictly adhere to and follow established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Intent

(a) The acquisition and transportation and transplantation of donor organs, bones and tissues is becoming more common place as new scientific and technological developments find better ways to conquer the human bodies rejection of such transplanted organs, bones and tissues. In its concern that donee recipients be provided the best possible quality assurance that such donated organs, bones and tissues, retrieved in Alabama are free from any contagious or communicable disease or defect, the Legislature intends to establish in this Act a framework for the development of appropriate standards of care and quality assurance for the acquisition and/or transportation of organs, bones and tissues retrieved in Alabama.

(b) It is also the intent of this Act to recognize and utilize the quality assurance already developed in Alabama by the Department of Surgery of the School of Medicine, at the University of Alabama at Birmingham Medical Center by authorizing the Chairman of the Department of Surgery to establish and promulgate the standards of proficiency and fitness and measures and procedures necessary to assure that persons involved in organ acquisition and/or transportation of organs retrieved in Alabama possess and provide the necessary knowledge and technical skills to acquire and/or transport organs, bones and tissues within acceptable levels of quality assurance.

(c) It is also the intent of this Act to provide sanctions against persons who fail to adhere to and follow such established policies and procedures and standards for quality assurance in the acquisition and/or transportation in Alabama of donor organs, bones, and tissues retrieved in Alabama.

Section 2. Definitions—As used in this Act.

(a) "Chairman" means the Chairman of the Department of Surgery, School of Medicine, at the University of Alabama at Birmingham.

(b) "Person" means any person, firm, partnership, association, joint venture, or corporation, and any combination of persons herein specified, but "person" shall not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the policies

and procedures and standards for quality assurance established by this Act and by the "Chairman".

(c) "Quality Assurance" means the policies and procedures and standards of quality for the acquisition and/or transportation of donated organs, bones, and tissue retrieved in Alabama.

(d) "Organ" means any human organ, human bone or human tissue, or any other part or portions of the human body, retrieved in Alabama except that the term "organ" shall not include blood, blood products, or eyes or corneas of the eye for the purposes established by this Act.

(e) "Service" means any service pertaining to the acquisition and/or transporting of organs, bones, or tissues retrieved in Alabama.

Section 3. Chairman of Surgery Department to establish standards and certify compliance with quality assurance standards.

(a) The Chairman of the Department of Surgery of the School of Medicine at the University of Alabama at Birmingham is authorized to establish and promulgate the standards of proficiency and fitness and measures and procedures for quality assurance in the acquiring and/or transporting of organs, bones, and tissues retrieved in Alabama.

(b) The Chairman of the Department of Surgery of the School of Medicine at the University of Alabama at Birmingham shall certify when a person shall be allowed to acquire and/or transport any organ, bone or tissue retrieved in Alabama. The Chairman shall not certify any person to acquire and/or transport any organ, bone or tissue to be retrieved in Alabama until such person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of proficiency and fitness.

(c) After the Chairman establishes and promulgates the initial standards of quality assurance, any proposed subsequent updating, except to meet federal standards, are to be circulated for comment only, to any institution in Alabama then performing organ transplants. The Chairman shall still have the final and sole decision to establish and promulgate whatever is appropriate for updating the standards of quality assurance.

Section 4. Services Performed by Persons Engaged in Acquisition and/or Transportation of organs retrieved in Alabama.

(a) Any person providing any service pertaining to the acquisition and/or transportation of donor organs, bones and tissues retrieved in Alabama, shall strictly adhere to and follow the established quality assurance standards of proficiency and fitness and measures and procedures as established and promulgated by the Chairman.

Section 5. Sanctions—Persons in violation of this Act not to receive reimbursement for Services.

(a) Any person providing services in violation of the established policies and procedures and standards for quality assurance, as established and promulgated by the Chairman, shall not receive reimbursement for such services. This provision applies to all reimbursement programs administered by the State of Alabama. Recommendations, by the Chairman, will be made to other reimbursing agencies that reimbursement be denied.

Section 6. Persons complying with this Article and with Alabama Uniform Anatomical Gift Act; no liability.

(a) Any person who, in good faith, follows the policies and procedures and standards as established by the Chairman for quality assurance, and complies with the provisions of the Alabama Uniform Anatomical Gift Act, shall not have any liability, either civil or criminal, for such acquiring, and/or transporting any organs, bones, or tissues retrieved in Alabama.

Section 7. Article Accumulative; Conflicting Laws.

(a) The provisions of this Article are cumulative and insofar as possible, they shall be construed in pari materia with other laws relating to the public health and anatomical gifts.

(b) At such time that standards of quality assurance for the acquisition and/or transporting and/or transplanting of donated organs, bones and tissues are adopted by the federal government, said Alabama standards of quality assurance shall be consistent with the appropriate federal regulations.

Section 8. Severability

(a) If any provision, clause, sentences, paragraphs, section, phrase, or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined to its operation to the clause, sentence paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered. To this end, the provisions, clauses, sentences, paragraphs, sections, phrases or parts of this Act are declared to be severable.

Section 9. Effective Date.

(a) This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (D), Coburn, Crow, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, McNair, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Tanner, Thomas, Turner, Warren, White (G) and Zoghby.

—70

And the bill:

H. 179. Relating to the acquisition and/or transportation of donor organs retrieved in Alabama; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, of organs retrieved in Alabama; but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical

skills to comply with the established standards of quality assurance; after Chairman establishes and promulgates initial standards of quality assurance, Chairman is to circulate proposed updating of quality assurance standards to institutions then performing organ transplantation, but Chairman shall still have final and sole decision to establish and promulgate whatever appropriate for updating standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation of organs retrieved in Alabama shall strictly adhere to and follow established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (D), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McMillan, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Thomas, Trammell, Venable, Warren, White (G) and White (L).

—73

CO-SPONSORS ADDED

Reps. Rains and Pratt were added as co-sponsors to the bill, H. 179.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Martin inadvertently voted "Yea" on the bill, H. 62.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Biddle, Budget Isolation Resolution relating to H. B. 39, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE),

Carothers, Carter, Clark (D), Coburn, Cosby, Crow, Davis, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McMillan, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Thomas, Trammell, Venable, Warren, White (G) and White (L).

—66

And the bill:

H. 39. To provide circumstances when a person shall be guilty of committing the crime of submitting a false or fraudulent application for a certificate of qualification or license to practice medicine; to provide that any person guilty of the crime of submitting a false or fraudulent application shall be guilty of a Class C felony; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Was taken up.

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 39:

Amend House Bill 39, Section 1, Page 1, Line 34, after the word(s) "to submit any" by adding the following: materially

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Carothers, Clark (D), Clark (J), Coburn, Coleman, Crow, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Warren, White (G), White (L) and Zoghby.

—72

And the bill, H. 39 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carothers, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Melton,

Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—78

Nay: Rep. Grayson. —1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 39:

Reps. Bachus, Beasley, Beers, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bugg, Butler, Carothers, Carter, Coleman, Crow, Faulk, Flowers, Goodwin, Grouby, Hooper, Johnson (RG), Junkins, Lauderdale, Martin, Mathis, Mikell, Newman, Nicholson, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Seibels, Smith, Starr, Trammell, Venable, Warren, White (G), White (L) and Zoghby.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution relating to H. B. 204, was adopted.

Yeas 63; Nays 4.

Yeas:

Mr. Speaker, Adams, Beasley, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JL), Butler, Carothers, Clark (D), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Venable, Warren, White (G), White (L) and Zoghby.

—63

Nays: Reps. Bachus, Black, Buskey (JE) and Grayson. —4

And the bill:

H. 204. To amend §34-24-360(15) to authorize the Medical Licensure Commission to suspend or revoke a license to practice medicine or osteopathy when another State licensing board takes disciplinary action against a physician; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Blake, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JL), Carothers, Clark (D), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett,

Harper, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Melton, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 439, was adopted.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (D), Coleman, Cosby, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Marietta, Martin, Mathis, McKee, McMillan, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell,Turner, Warren, White (G), White (L) and Zoghby.

—73

Nay: Rep. Junkins. —1

And the bill:

H. 439. Changing the name of the department of pensions and securities to the "Alabama state department of human resources" and providing for the efficient replacement of certain supplies used by such department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mikell, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Warren, White (G), White (L) and Zoghby.

—79

CO-SPONSORS ADDED

Reps. Melton, Reed, Rains, Bachus, Butler, Parker, Seibels, Escott, Pratt, Perdue, Kennedy, Smith, Britnell, McKee, Bugg, Rogers, Adams, Beers, Black,

Blake, Blakeney, Boles, Box, Brooks, Browder, Bryant, Burke, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Drake, Faulk, Goodwin, Gray, Grouby, Harvey, Holley, Holmes, Hooper, Johnson (RW), Lauderdale, Lindsey, McDowell, McMillan, McNair, Melton, Newman, Newton, Onderdonk, Penry, Preuitt, Richardson, Spratt, Starkey, Thomas, Trammell, Turner, White (G) and Zoghby were added as co-sponsors to the bill, H. 439.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 63. To amend the title and section 1 of Act No. 79-611 H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

H. 70. To amend Section 8-17-91, which provides for distribution of petroleum inspection fees: to provide that the State Treasurer shall make distribution of said fees.

H. 162. To provide for the creation, appointment, organization, operation, meetings and continuance of the St. Stephens Historical Commission; to provide for acquiring, constructing, establishing, maintaining and promoting certain properties and structures of historical interest and functional utility at St. Stephens, in the vicinity of the site of the first territorial capital of Alabama; to provide for financial cooperation with other public or private agencies and historical organizations; and to provide for the employment of personnel.

H. 180. Relating to the liability of physicians and osteopaths serving on hospital committees; to state the legislative intent; to provide definitions for the term hospital, physicians, hospital medical staff, and committee; to provide that any physician, osteopath or other health care provider serving on any committee of a hospital medical staff and any consultant, attorney, auxiliary personnel or employee of such committee shall not be liable to any person for any damages arising from any claim whatsoever related to or arising out of any action, investigation, report or recommendations made or taken by such committee when such action, investigation, report or recommendation was taken or made by him within the scope of his function as a member of the committee without malice and in good faith in the reasonable belief that such action, investigation, report or recommendation was warranted by the facts known or reasonably established; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

H. 185. To create the County Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide

for the distribution of such appropriations among county governments; and to provide for the uses to which such moneys shall be put.

H. 223. To provide that any State commander of a veterans organization shall be entitled to a distinctive auto license plate; to provide for the distribution of said tag; and to provide that said tag shall be issued free of all fees and taxes.

H. 225. To amend section 36-27-42, Code of Alabama 1975, relating to credit for prior service for certain members of the employees' retirement system who were members of the system on October 1, 1974, so as to reopen said system to certain employees who were in service on October 1, 1975.

H. 282. To provide further for the annual salary of the state treasurer, state auditor, commissioner of agriculture, and secretary of state of this state.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 435. (With Substitute): To Amend Section 40-21-58, Code of Alabama 1975, so as to exclude from the application of the license or privilege tax imposed thereunder revenues from long distance resale where the tax will be paid by the providing telephone company.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 455. To amend Section 41-16-3 of the Code of Alabama 1975, relating to state government and public contracts so as to further provide for the time in which to execute such contracts; and further providing for the interest rate to be applicable to delinquent payments by the state.

H. 513. To amend Section 25-4-72 of the Code of Alabama (The Alabama Unemployment Compensation Law) as last amended, to provide an increase in weekly benefit amount to $140.00 effective for weeks of unemployment beginning on and after the first Sunday in July, 1986.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 56. Prohibiting any incorporated municipality from crossing a county boundary line for the purpose of annexing territory without referendum approval by the qualified electors of the county wherein such territory to be annexed is located and limiting the frequency of such annexation elections.

The above bill was read a second time at length as required by the Constitution.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 226. (With Substitute): To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a

procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of theft laws of the State of Alabama wherein timber or lumber are the stolen items.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

H. 373. (With Amendment): To provide for a definition of joint custody; to provide for a presumption of joint custody of children in any proceeding where there is at issue the custody of a minor child; to provide for parents, at the court's discretion to submit a plan for implementation of the custody order; to provide that courts consider which parent is more likely to allow children contact with the non-custodial parent where sole custody is ordered; to provide that the burden of proof that joint custody would not be in the child's best interests rests on the parent requesting sole custody; to provide for modification or termination of joint custody; to provide for the use of a conciliation service by the court or parties; and to provide that the issues of custody and visitation shall be considered separately from the issue of child support; and to repeal Section 30-3-1, Code of Alabama 1975.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 456. (With Substitute): To create the crime of theft by fraudulent leasing or rental of property from a person licensed to lease personal property where the lessee gives a false or fictitious name or address, or where the lessee fails to return the leased property to the place or within the time specified in the rental agreement; to provide for making a demand on the lessee to return the leased property within a specified time, and to provide that a failure to return the leased property within the specified time, after demand, shall constitute prima facie evidence that the leasing or rental of the property was fraudulent, and that lessee intended, knew or expected that he would not perform the terms of the rental agreement at the time it was made; and to provide that the fraudulent leasing or rental of property having a value of $100.00 or less shall be a Class A misdemeanor, and if property has a value of $100.00 or more, the fraudulent leasing or rental shall be a Class C felony.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 539. The Uniform Transfers to Minors Act expands the scope of the Uniform Gifts to Minors Act to extend custodial mechanism so that it is available for a wider range of property interests and transactions. The Act repeals the present Uniform Gifts to Minors Act in Code of Alabama (1975) Sections 35-5-1 through 35-5-10, as amended.

H. 477. To provide that appeals from death sentence cases and from post conviction writs involving such cases shall be to the Alabama supreme court instead of to the Alabama court of criminal appeals; to amend Code

of Alabama 1975, §12-3-9 and §13A-5-53 accordingly; to provide that the Alabama supreme court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act; to provide which cases this act applies to; to provide for the repeal of conflicting laws and the scope of that repeal; to provide for severability; and to provide an effective date.

H. 328. To make it a felonious offense for certain persons to possess firearms on or about the premises of certain establishments where alcoholic beverages are sold and consumed.

H. 209. To amend §32-5A-191, Code of Alabama 1975, which relates to the offense of driving under the influence of alcohol or controlled substances (DUI) and the penalties therefor, so as to require all persons convicted of violating said §32-5A-191 or a municipal ordinance prohibiting operation or actual physical control of a vehicle while under the influence of alcohol or controlled substances, to attend and complete a DUI court referral program certified or approved by the State Administrative Office of Courts; and to provide that completion of such program shall be in addition to the punishments and sanctions now provided by §32-5A-191, Code of Alabama 1975.

H. 211. To amend Section 12-12-70, Code of Alabama 1975, which section relates to appeals from district courts to provide for the dismissal of such appeals in certain instances; to provide for an appearance bond on such appeals and procedures for its forfeiture; to provide for the collection of fines and costs, and to provide for the place of commitment where the sentence of the circuit court includes a term of imprisonment.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 308. (With Amendments): To amend Sections 14-10-1 and 14-10-2, Code of Alabama, 1975, so as to allow the Department of Corrections to establish reasonable regulations determining those state convicts who shall receive discharge benefits to change the definition of the clothing issue, to limit the application of the discharge benefit to once per offense and to allow state inmates to waive discharge benefits.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 309. To repeal in its entirety Section 14-4-7 of the Code of Alabama, 1975, prohibiting female convicts from working as laborers on public highways.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 48. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-31-21 and 34-31-28, so as to provide further for persons who may be certified without having to

be examined by the board; and to authorize the board to adopt minimum repair and service standards or criteria for its registered contractors; and to provide for misdemeanor penalty for noncompliance.

S. 49. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Foresters as provided in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-12-5, 34-12-6, 34-12-8, 34-12-9, 34-12-30, 34-12-32 and 34-12-36, so as to increase annual license issuance fees; increase examination fees; increase annual notification of renewal license fees; increase reissuance or reinstatement of license fees; rename Alabama chapter the Alabama "Division"; increase per diem allowances for meeting days of board members; and to require bonding of certain officers of the board.

S. 50. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners as provided in Sections 34-9-40 through 34-9-47 of the Code of Alabama 1975, and the legislature's concurrence thereof.

S. 51. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board as provided in Sections 9-17-1 through 9-17-32 of the Code of Alabama 1975; and the legislature's concurrence thereof.

S. 55. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board of General Contractors as provided in Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-24, so as to provide that application fees for licenses will be nonrefundable and to provide further for meetings of the board.

S. 56. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Radiation Control Agency and the Radiation Advisory Board as provided in Sections 22-14-1 through 22-14-35 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

H. 514. (With Substitute): To amend Act No. 85-921, H. 35, 1985 Second Special Session, which creates a licensing board to be known as the Alabama Board of Electrical Contractors, so as to provide further for the exemptions from licensing.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 586. To amend Section 32-6-254, Code of Alabama 1975, which provides for the use and transferability of distinctive license plates for former prisoners of war, so as to allow the widows of such persons to be entitled to retain said plates.

H. 587. To establish the unit area of an oil and gas field located in Mobile County, Alabama, known as the Hatter's Pond Unit.

H. 453. To amend Section 32-5A-155, Code of Alabama, 1975, to require that all buses converted for uses other than transporting pupils to or from school or school activities shall be painted a color other than National School Bus Yellow and have certain other alterations.

H. 508. To provide for a television set repairman lien and to provide for the enforcement of said lien.

S. 132. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the calendar, to-wit:

H. 489. Relating to the board of examiners of nursing home administrators; to amend sections 34-20-2, 34-20-9 and 34-20-13 of the Code of Alabama 1975, so as to further provide for the fees of the board.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 540. (With Amendment): To amend Section 34-23-2 of the Code of Alabama, 1975 relating to the practice of pharmacy in this State.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 18. To amend Act No. 39, H. 67, Second Special Session, 1971 (Acts 1971, p. 4173) to permit the application of chemical substances by aircraft in Shelby County under certain conditions.

S. 87. To amend sections 34-26-22, 34-26-43 and 34-26-43.1, Code of Alabama 1975, relating to the Board of Examiners In Psychology, so as to provide for increases in certain fees charged by the Board.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 518. (With Substitute): To amend Sections 5-19-1, 5-19-4, 5-19-10, and 5-19-20, Code of Alabama 1975, which relate to the regulation of extensions of credit, so as to exclude from the definition of "finance charge" premiums for insurance in lieu of perfecting a security interest and certain fees if bona fide and reasonable in amount in transactions secured by real

property; to limit the maximum charge to the debtor for insurance to the authorized premiums permitted for such coverages.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 42. To amend section 32-5-240 of the Code of Alabama 1975 relating to required lighting equipment of vehicles so as to require that such equipment be put in operation during periods when rain, mist or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists.

H. 45. To amend Section 32-6-231 of the Code of Alabama 1975 relating to parking decals for handicapped persons, so as to provide further for such decals for certain vehicles used primarily to accommodate such persons in obtaining such decals.

H. 475. To permit agricultural aircraft to take off and land on lightly traveled local highways with the permission of the County Commission of said county provided that the average daily traffic count on the road is less than 200.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 466. Relating to Houston County; to regulate the election and tenure of the Houston County Commission; to provide for the at-large election of a full-time chairman of said commission; to provide for the election of part-time associate county commissioners from four election districts; to provide for qualifications and residency requirements; to provide for the filling of vacancies in such offices; and to provide for the creation of four county commission districts.

H. 524. Relating to Pike County; to provide for the election of members of the county commission; to adopt new districts; and to repeal all conflicting laws.

H. 532. Relating to Walker County; to amend Act 83-428, Senate Bill 355, Regular Session, 1983 (Acts of Alabama, 1983, Volume 1, pages 607-608) so as to provide the Walker County Board of Education the authority to establish the salary of the Superintendent of Education of Walker County.

H. 555. To authorize the Dale County Board of Health to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Board of Health of Dale County.

H. 571. To provide for the filing for record and the preservation of all orders and decrees made and entered by any Judge of the Circuit Court of the 39th Judicial Circuit.

H. 577. To authorize the governing body of Butler County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise

taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county at an advisory referendum; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

H. 578. To further authorize and provide for the establishment, maintenance, operation, and financing of a public law library in Dale County, Alabama.

Rep. McKee, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 33. Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

S. 225. Relating to Montgomery County; to legalize the sale of draft or keg beer or malt beverages.

H. 538. To authorize the City of Montgomery, Montgomery County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

H. 591. Relating to the County of Montgomery, Alabama; to authorize the County of Montgomery to grant County ad valorem tax exemptions for up to fifteen (15) years to owner-developers who build new commercial or industrial facilities within the downtown business district as defined by the governing body of the City of Montgomery, providing that owner-developers receiving such exemptions shall, however, continue to pay County ad valorem property taxes on such property as was paid in the year preceding the improvement caused by the construction or development of the new commercial or industrial facility; to provide that the tax exemption herein shall not effect any taxes other than County ad valorem taxes; and to provide for the procedures to be followed in the granting of such exemptions.

H. 594. Relating to Montgomery County; to establish a Retired Employees' Death Benefit Fund on behalf of the retired members of the Montgomery County Retirement System; provide for claims; provide for funding and provide for beneficiary changes associated with the Death Benefit Fund.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 50. Relating to Lauderdale County; to extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 67. RECOGNIZING AND ENDORSING JANUARY 20-24, 1986, AS LAW AWARENESS WEEK IN ALABAMA.

Also:

H. J. R. 101. COMMENDING SUSAN COURTNEY HEDGEPETH, ALABAMA'S JUNIOR MISS 1986.

Also:

H. J. R. 102. COMMENDING CATHERINE PRUETT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 103. CONGRATULATING MR. AND MRS. WALTER ALLEN PRINE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 104. COMMENDING MRS. SALLIE BROOKS, SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 100th BIRTHDAY.

Also:

H. J. R. 105. COMMENDING KENNETH TOWNSON FOR OUTSTANDING SERVICE TO THE HIGDON, BRYANT AND FLAT ROCK COMMUNITIES.

Also:

H. J. R. 106. COMMENDING 1985 ALL-PRO CHAMPION, STEVE GRISSOM OF GADSDEN, ALABAMA.

Also:

H. J. R. 112. MOURNING THE DEATH OF WILLIAM RALPH CHAMBERS.

Also:

H. J. R. 113. COMMENDING JACK HALE, PROMINENT BESSEMER EDUCATOR.

Also:

H. J. R. 115. CONGRATULATING MR. AND MRS. LAWRENCE NOLEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 117. COMMENDING MRS. ANNA I. JOHNSON OF SUMTER COUNTY, ALABAMA.

Also:

H. J. R. 129. COMMENDING DANNY KENNETH CROWNOVER FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 131. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 132. COMMENDING LEWIS W. FLOWERS ON HIS DISTINGUISHED CAREER AT ALABAMA AVIATION AND TECHNICAL COLLEGE.

Also:

H. J. R. 134. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM.

Also:

H. J. R. 114. CONGRATULATING MR. AND MRS. VIRGIL SADBERRY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 26. NAMING A PORTION OF U.S. HIGHWAY 98 IN MOBILE COUNTY, ALABAMA, THE "MOFFETT ROAD."

Also:

H. J. R. 124. COMMENDING JAMES F. CALDWELL FOR DISTINGUISHED VOLUNTEER SERVICE.

Also:

H. J. R. 176. CONGRATULATING MRS. DODIE McLAUGHLIN EVANS OF FAIRVIEW, ALABAMA, ON THE OCCASION OF HER 100th BIRTHDAY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 201. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO SAVE THE COOPERATIVE EXTENSION

SERVICE PROGRAMS IN ALABAMA OPERATED BY LAND-GRANT COLLEGES AND UNIVERSITIES, INCLUDING AUBURN UNIVERSITY, ALABAMA A & M UNIVERSITY AND TUSKEGEE UNIVERSITY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 198. NAMING THE UNIVERSITY CENTER AT ALABAMA STATE UNIVERSITY, MONTGOMERY, ALABAMA, THE "JOHN GARRICK HARDY UNIVERSITY CENTER".

Also:

H. J. R. 199. COMMENDING DR. TOMMY RUSSELL OF THE UNIVERSITY OF ALABAMA FACULTY.

Also:

H. J. R. 200. COMMENDING THE JUNIOR LEAGUE OF MONTGOMERY ON ITS SIXTIETH ANNIVERSARY OF SERVICE TO THE COMMUNITY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 188. DESIGNATING THE OUTDOOR HISTORICAL DRAMA OF THE JASMINE HILL ARTS COUNCIL AS THE OFFICIAL STATE OUTDOOR DRAMA.

Also:

H. J. R. 196. CONGRATULATING MR. AND MRS. MAURICE ALBERT DEAS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 220. NAMING THE STATE ADMINISTRATIVE BUILDING IN THE CAPITOL COMPLEX IN MONTGOMERY, ALABAMA, THE "JAMES E. FOLSOM ADMINISTRATIVE BUILDING."

Also:

H. J. R. 221. COMMENDING WILLIAM C. HAMILTON ON HIS DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

H. J. R. 222. COMMENDING THE ALABAMA COOPERATIVE EXTENSION SERVICE ON HOME ECONOMICS ON ITS 75TH ANNIVERSARY.

Also:

H. J. R. 223. COMMENDING THE ALABAMA EXTENSION HOMEMAKERS COUNCIL ON ITS 60TH ANNIVERSARY.

Also:

H. J. R. 224. CONGRATULATING MR. AND MRS. L. WALTER ASH ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 225. HONORING SCOTT CUNNINGHAM OF EIGHT MILE, ALABAMA, THE MARCH OF DIMES NATIONAL AMBASSADOR AND 1985-86 POSTER CHILD.

Also:

H. J. R. 227. MOURNING THE DEATH OF JAMES H. WILLIAMS OF MOBILE, ALABAMA.

Also:

H. J. R. 228. MOURNING THE DEATH OF JULIUS VERNON WILLIAMS OF BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 229. MOURNING THE DEATH OF SCEARS LEE, JR., OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 189. PROCLAIMING FEBRUARY AS COMMUNITY, JUNIOR AND TECHNICAL COLLEGE MONTH IN ALABAMA.

Also:

H. J. R. 190. COMMENDING ADA KATE MORGAN FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE COMMUNITY.

Also:

H. J. R. 191. MOURNING THE DEATH OF ELDER BARBARA JEAN THOMAS OF MOBILE, ALABAMA.

Also:

H. J. R. 192. COMMENDING ELAINE ROUSSOS OF MOBILE, ALABAMA, 1985 FIRST LADY OF MOBILE.

Also:

H. J. R. 193. COMMENDING COACH JOE WILSON AND THE OPELIKA HIGH SCHOOL BULLDOGS ON THEIR PHENOMENAL PERFECT SEASON RECORD FOR 1985.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 206. COMMENDING THE ALABAMA EMPLOYMENT SERVICE IN SELMA, ALABAMA.

Also:

H. J. R. 207. COMMENDING ANN MAJORS WOOD OF SELMA, ALABAMA.

Also:

H. J. R. 208. COMMENDING JAMES H. WILLIAMS OF SELMA, ALABAMA, AS "CITIZEN OF THE YEAR."

Also:

H. J. R. 209. COMMENDING DAVID MULLINS OF SELMA, ALABAMA'S EASTER SEAL POSTER CHILD.

Also:

H. J. R. 214. DESIGNATING THE MONTH OF FEBRUARY AS BLACK HISTORY MONTH IN ALABAMA.

Also:

H. J. R. 215. MOURNING THE DEATH OF MAY GILL CARLIN OF MOBILE, ALABAMA.

Also:

H. J. R. 216. MOURNING THE DEATH OF DAWN CORINE ALLFREY OF ATHENS, ALABAMA.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:35 A.M. on February 20, 1986.

H. J. R. 170

H. J. R. 171

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Mathis, and pursuant to the motion heretofore adopted, the House adjourned until 3:00 o'clock p.m., Tuesday, February 25, 1986.

THIRTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 25, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend James A. Smith, St. Mary's Baptist Church and St. Peter's Baptist Church, Abbeville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal, of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Rep. Moore, due to illness.

At the request of Rep. Campbell, leave of absence was granted for Rep. Browder.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 179. Relating to the acquisition and/or transportation of donor organs retrieved in Alabama; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, of organs retrieved in Alabama; but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of quality assurance; after Chairman establishes and promulgates initial standards of quality assurance, Chairman is to circulate proposed updating of quality assurance standards to institutions then performing organ transplantation, but Chairman shall still have final and sole decision to establish and promulgate whatever appropriate for updating standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation of organs retrieved in Alabama shall strictly adhere to and follow established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

JIMMY CLARK,
Chairman.

And the bill, H. 179, as engrossed, was sent to the Senate.

BILLS ON SECOND READING

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 445. Relating to the Alabama Sunset Law; to continue until October 1, 1987, the existence and functioning of the Alabama Surface Mining Commission as provided in Sections 9-16-70 through 9-16-107, to amend Sections 9-16-73, 9-16-74, 9-16-78, 9-16-85, and 9-16-88, Code of Alabama 1975 so as to provide that the rules and regulations of the commission shall not be more stringent than those promulgated by federal statute, rule or regulation; to create a legislative oversight committee and to provide for the

duties, composition, meetings and compensation of members of the committee; to require the director of the commission to have knowledge of state and federal surface mining laws, rules and regulations; to provide for a technical assistant for the commission and to provide for his duties and salary; to require permits and licenses to be issued more promptly; It is further provided that the commission shall be reviewed by the Sunset Committee in the interim between the 1986 and 1987 Regular Legislative Sessions and that said commission shall be terminated effective October 1, 1987, unless a Sunset bill passes at the 1987 Regular Session to continue the commission.

H. 240. To transfer the Alabama rapid rail transit commission from the department of economic and community affairs to the highway department.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H 590. (With Amendment): To amend Sections 34-7-1, 34-7-2, 34-7-3, 34-7-4, 34-7-5, 34-7-9, 34-7-11, 34-7-16, and 34-7-40, Code of Alabama 1975, which provide for and regulate the practice of cosmetology, so as to provide further for said practice.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 611. To establish the Farm Crisis and Transition Program and Commission in the State to provide needed career-oriented technical education and counseling services to farmers and agricultural businessmen in the State in the fields of agricultural finance and accounting, law, farm planning, vocational training and social services at a reasonable cost or on a no-cost basis; to provide supplemental job training to enable economically distressed farmers and agricultural businessmen to remain in farming or to retain their businesses or to facilitate an orderly transition from agriculture to other activities; to provide for the employment by the Commission of a program coordinator, necessary staff and specialist support personnel; to provide that the Commission may appoint an advisory committee; to provide for regional offices to be established to coordinate local regional activities and provide for certification of qualified professionals in the fields of agricultural finance and accounting, law, farm planning, vocational training and social services; to provide farmers and agricultural businessmen seeking program assistance with names of qualified and certified professionals in their region; to ensure that regional offices actively initiate and maintain a highly visible public awareness program and prepare a descriptive system of periodic program reports with the Commission; to provide for coordination of the Commission's activities with all other state agencies involved in providing services to farmers; to authorize the Governor to accept, on behalf of the State, private contributions for the benefit of the Program; to provide for the severability of the provisions of this Act; and to provide an effective date.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 592. To amend Section 38-7-2, Code of Alabama 1975, relating to child care, so as to redefine the term "day care home" and provide further therefor.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 601. Incorporated municipalities shall be authorized to annex unincorporated territory which lies and is located in, and which is presently within the corporate limits of such municipality and has been so enclosed for a period of three years or more; prescribing procedures for the annexation of such unincorporated territory; prescribing procedures for municipal ad valorem annexed taxation of such annexed territory.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 177. CREATING THE JOINT INTERIM COMMITTEE ON THE DISPOSAL OF SCRAP TIRES.

On motion of Rep. Harvey, the resolution, H. J. R. 177, was adopted.

Also:

H. J. R. 158. EXTENDING THE LIFE AND REPORTING DATE OF THE LEGISLATIVE JOINT INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

On motion of Rep. Ford, the resolution, H. J. R. 158, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H. J. R. 135. DESIGNATING THE NATIONAL HISTORIC FORT MORGAN OUTDOOR DRAMA AS THE OFFICIAL STATE OUTDOOR DRAMA.

Said amendment, by Rep. Penry, being as follows:

Amend H. J. R. 135 in the title on page 1, line 10, after the word "THE" by inserting the word FIRST

Further amend on page 2, line 3 after the word "the" by inserting the word first

And the amendment was adopted.

And the resolution:

H. J. R. 135. DESIGNATING THE NATIONAL HISTORIC FORT MORGAN OUTDOOR DRAMA AS THE FIRST OFFICIAL STATE OUTDOOR DRAMA.

On motion of Rep. Ford, the resolution, H. J. R. 135 as thus amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Clark (J), Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 127. COMMENDING JANICE FREELAND LINDEN ON HER DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY.

On motion of Rep. Harper, the resolution, H. J. R. 127, was adopted.

Also:

H. J. R. 125. HONORING THE LATE JOHN JACKSON SPARKMAN OF HUNTSVILLE, ALABAMA.

On motion of Rep. Hall, the resolution, H. J. R. 125, was adopted.

Also:

H. J. R. 128. COMMENDING THE GRAND BAY ALL STARS FOR OUTSTANDING ACCOMPLISHMENT.

On motion of Rep. Harper, the resolution, H. J. R. 128, was adopted.

Also:

H. J. R. 24. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF HEALTH RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

On motion of Rep. White (L), the resolution, H. J. R. 24, was adopted.

Also:

H. J. R. 23. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF REVENUE RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

On motion of Rep. Holley, the resolution, H. J. R. 23, was adopted.

Also:

S. J. R. 124. URGING CONGRESS TO TAKE AFFIRMATIVE ACTION TO EXTEND THE FEDERAL REVENUE SHARING PROGRAM AT LEAST THROUGH THE END OF FISCAL YEAR 1987.

On motion of Rep. Holley, the resolution, S. J. R. 124, was adopted.

Also:

S. J. R. 85. CALLING UPON THE STATE HIGHWAY DEPARTMENT TO REVIEW AND ANALYZE THE CONSTRUCTION OF "CORRIDOR X" AND TO MAKE RECOMMENDATIONS AS TO THE BEST ROUTE.

On motion of Rep. Boles, the resolution, S. J. R. 85, was adopted.

Also:

S. J. R. 47. CALLING FOR THE DEATH PENALTY FOR "KINGPINS" IN DRUG TRAFFICKING CASES ON THE FEDERAL LEVEL.

On motion of Rep. Holley, the resolution, S. J. R. 47, was adopted.

Also:

S. J. R. 3. INVITING DR. ALBERT B. SABIN AS THE DEVELOPER OF THE ORAL POLIO VACCINE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

On motion of Rep. Holley, the resolution, S. J. R. 3, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to wit:

H. 50. Relating to Lauderdale County; to extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Also:

H. J. R. 26. NAMING A PORTION OF U.S. HIGHWAY 98 IN MOBILE COUNTY, ALABAMA, THE "MOFFETT ROAD."

Also:

H. J. R. 67. RECOGNIZING AND ENDORSING JANUARY 20-24, 1986, AS LAW AWARENESS WEEK IN ALABAMA.

Also:

H. J. R. 101. COMMENDING SUSAN COURTNEY HEDGEPETH, ALABAMA'S JUNIOR MISS 1986.

Also:

H. J. R. 102. COMMENDING CATHERINE PRUETT OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 103. CONGRATULATING MR. AND MRS. WALTER ALLEN PRINE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 104. COMMENDING MRS. SALLIE BROOKS, SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

H. J. R. 105. COMMENDING KENNETH TOWNSON FOR OUTSTANDING SERVICE TO THE HIGDON, BRYANT AND FLAT ROCK COMMUNITIES.

Also:

H. J. R. 106. COMMENDING 1985 ALL-PRO CHAMPION, STEVE GRISSOM OF GADSDEN, ALABAMA.

Also:

H. J. R. 112. MOURNING THE DEATH OF WILLIAM RALPH CHAMBERS.

Also:

H. J. R. 113. COMMENDING JACK HALE, PROMINENT BESSEMER EDUCATOR.

Also:

H. J. R. 114. CONGRATULATING MR. AND MRS. VIRGIL SADBERRY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 115. CONGRATULATING MR. AND MRS. LAWRENCE NOLEN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 117. COMMENDING MRS. ANNA I. JOHNSON OF SUMTER COUNTY, ALABAMA.

Also:

H. J. R. 124. COMMENDING JAMES F. CALDWELL FOR DISTINGUISHED VOLUNTEER SERVICE.

Also:

H. J. R. 129. COMMENDING DANNY KENNETH CROWNOVER FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 131. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 132. COMMENDING LEWIS W. FLOWERS ON HIS DISTINGUISHED CAREER AT ALABAMA AVIATION AND TECHNICAL COLLEGE.

Also:

H. J. R. 134. COMMENDING THE UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM.

Also:

H. J. R. 176. CONGRATULATING MRS. DODIE McLAUGHLIN EVANS OF FAIRVIEW, ALABAMA, ON THE OCCASION OF HER 100th BIRTHDAY.

Also:

H. J. R. 188. DESIGNATING THE OUTDOOR HISTORICAL DRAMA OF THE JASMINE HILL ARTS COUNCIL AS THE OFFICIAL STATE OUTDOOR DRAMA.

And find same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 222. COMMENDING THE ALABAMA COOPERATIVE EXTENSION SERVICE ON HOME ECONOMICS ON ITS 75TH ANNIVERSARY.

Also:

H. J. R. 223. COMMENDING THE ALABAMA EXTENSION HOMEMAKERS COUNCIL ON ITS 60TH ANNIVERSARY.

Also:

H. J. R. 224. CONGRATULATING MR. AND MRS. L. WALTER ASH ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 225. HONORING SCOTT CUNNINGHAM OF EIGHT MILE, ALABAMA, THE MARCH OF DIMES NATIONAL AMBASSADOR AND 1985-86 POSTER CHILD.

Also:

H. J. R. 227. MOURNING THE DEATH OF JAMES H. WILLIAMS OF MOBILE, ALABAMA.

Also:

H. J. R. 228. MOURNING THE DEATH OF JULIUS VERNON WILLIAMS OF BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 229. MOURNING THE DEATH OF SCEARS LEE, JR., OF MOBILE, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK.
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 189. PROCLAIMING FEBRUARY AS COMMUNITY, JUNIOR AND TECHNICAL COLLEGE MONTH IN ALABAMA.

Also:

H. J. R. 190. COMMENDING ADA KATE MORGAN FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA AND THE COMMUNITY.

Also:

H. J. R. 191. MOURNING THE DEATH OF ELDER BARBARA JEAN THOMAS OF MOBILE, ALABAMA.

Also:

H. J. R. 192. COMMENDING ELAINE ROUSSOS OF MOBILE, ALABAMA, 1985 FIRST LADY OF MOBILE.

Also:

H. J. R. 193. COMMENDING COACH JOE WILSON AND THE OPELIKA HIGH SCHOOL BULLDOGS ON THEIR PHENOMENAL PERFECT SEASON RECORD FOR 1985.

Also:

H. J. R. 196. CONGRATULATING MR. AND MRS. MAURICE ALBERT DEAS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 198. NAMING THE UNIVERSITY CENTER AT ALABAMA STATE UNIVERSITY, MONTGOMERY, ALABAMA, THE "JOHN GARRICK HARDY UNIVERSITY CENTER".

Also:

H. J. R. 199. COMMENDING DR. TOMMY RUSSELL OF THE UNIVERSITY OF ALABAMA FACULTY.

Also:

H. J. R. 200. COMMENDING THE JUNIOR LEAGUE OF MONTGOMERY ON ITS SIXTIETH ANNIVERSARY OF SERVICE TO THE COMMUNITY.

Also:

H. J. R. 201. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO SAVE THE COOPERATIVE EXTENSION SERVICE PROGRAMS IN ALABAMA OPERATED BY LAND-GRANT COLLEGES AND UNIVERSITIES, INCLUDING AUBURN UNIVERSITY, ALABAMA A&M UNIVERSITY AND TUSKEGEE UNIVERSITY.

Also:

H. J. R. 206. COMMENDING THE ALABAMA EMPLOYMENT SERVICE IN SELMA, ALABAMA.

Also:

H. J. R. 207. COMMENDING ANN MAJORS WOOD OF SELMA, ALABAMA.

Also:

H. J. R. 208. COMMENDING JAMES H. WILLIAMS OF SELMA, ALABAMA, AS "CITIZEN OF THE YEAR."

Also:

H. J. R. 209. COMMENDING DAVID MULLINS OF SELMA, ALABAMA'S EASTER SEAL POSTER CHILD.

Also:

H. J. R. 214. DESIGNATING THE MONTH OF FEBRUARY AS BLACK HISTORY MONTH IN ALABAMA.

Also:

H. J. R. 215. MOURNING THE DEATH OF MAY GILL CARLIN OF MOBILE, ALABAMA.

Also:

H. J. R. 216. MOURNING THE DEATH OF DAWN CORINE ALLFREY OF ATHENS, ALABAMA.

Also:

H. J. R. 220. NAMING THE STATE ADMINISTRATIVE BUILDING IN THE CAPITOL COMPLEX IN MONTGOMERY, ALABAMA, THE "JAMES E. FOLSOM ADMINISTRATIVE BUILDING."

Also:

H. J. R. 221. COMMENDING WILLIAM C. HAMILTON ON HIS DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 238. COMMENDING THE HOLLINS VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 239. COMMENDING THE IDAHO VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 240. COMMENDING THE LINEVILLE VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 241. COMMENDING THE MILLERVILLE VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, H. 466.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution relating to H. B. 466, was adopted.

Yeas 29; Nays 3.

Yeas:

Mr. Speaker, Beasley, Blakeney, Brakefield, Brooks, Carothers, Carter, Clark (J), Flowers, Gaston, Grouby, Hall, Harvey, Johnson (RG), Kvalheim, Lauderdale, Mathis, McKee, McMillan, Nicholson, Onderdonk, Penry, Poole, Rice, Sasser, Tanner, Turnham, Venable and White (G).

—29

Nays: Rep. Buskey (JE), Holmes and Kennedy. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 466. Relating to Houston County; to regulate the election and tenure of the Houston County Commission; to provide for the at-large election of a full-time chairman of said commission; to provide for the election of part-time associate county commissioners from four election districts; to provide for qualifications and residency requirements; to provide for the filling of vacancies in such offices; and to provide for the creation of four county commission districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 3.

Yeas:

Mr. Speaker, Beers, Blakeney, Boles, Brakefield, Brooks, Carothers, Carter, Cosby, Flowers, Gaston, Grouby, Hall, Harvey, Hooper, Johnson (RG), Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Mikell, Nicholson, Penry, Poole, Rice, Richardson, Seibels, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—38

Nays: Reps. Beasley, Bugg and Holmes. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Faulk, the rules were suspended in order to take up out of order the bill, H. 577.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Faulk, Budget Isolation Resolution relating to H. B. 577, was adopted.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Brooks, Bryant, Butler, Carter, Clark (J), Dutton, Gaston, Grouby, Hall, Harvey, Johnson (RG), Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Newman, Nicholson, Onderdonk, Parker,

Perdue, Poole, Reed, Richardson, Smith, Starr, Turner, White (G), White (L) and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 577. To authorize the governing body of Butler County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county at an advisory referendum; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Brakefield, Brooks, Bryant, Carter, Clark (D), Clark (J), Davis, Dutton, Flowers, Grouby, Hall, Hammett, Harvey, Hooper, Johnson (RG), Kennedy, Lauderdale, Lindsey, Mathis, McKee, McMillan, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mathis:

H. 626. To propose a law to limit the amount of damages an employee of a governmental entity may suffer as a result of acts committed within

the line and scope of his employment and to limit such liability to those acts involving willful conduct.

Committee on Ways and Means.

By Rep. Marietta:

H. 627. To amend Section 12-15-90, Code of Alabama 1975, relating to involuntary commitment of minors or children so as to provide for the liability of the department of mental health for costs associated with care, treatment or housing of any minor or child committed to its custody.

Committee on Judiciary.

By Reps. Bowling and Drake (With Notice and Proof):

H. 628. To alter, rearrange and extend the boundary lines and corporate limits of the City of Cullman, in Cullman County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 628, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 629. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts, 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama, 1976, page 939), and as further amended by Act No. 84-623 of the Regular Session of 1984 (Acts of Alabama, 1984, page 1271), so as to clarify and designate the members of the Supervisory Committee of the Mobile County Personnel Board, to provide that the Presiding Judge of the Circuit Court shall serve as Chairman of the Supervisory Committee and to provide that he shall be entitled to vote only in case of a tie; to provide for an expense allowance and compensation for the members of the Personnel Board; to provide for employment of handicapped persons in the Civil Service System in Mobile County, providing preference for such persons with Civil Service Employment, and to repeal Act No. 84-623 of the Regular Session of 1984, Acts of Alabama, 1984, page 1271.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 629, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner:

H. 630. To prohibit the Department of Pensions and Security from payment of any state taxpayers' monies to a woman who has more than one illegitimate child; and to direct the transfer of monies saved by such action to the Medicaid Agency for Medicaid recipients; hospitalization.

Committee on Ways and Means.

By Reps. Turner, Kennedy, Zoghby, Box, Harper, Marietta, Clark (W) and Buskey (James) (With Notice and Proof):

H. 631. Relating to Mobile County; providing that the county commission shall call for a public hearing to be held a certain time prior to approving any landfill project in said county and empowering the county commissioner representing the commission district in which such proposed landfill is to be located with veto power over any commission decision approving such landfill project if such public hearing is not called as provided for in this act.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 631, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow and Mathis:

H. 632. To require certain minimum deposits into a trust fund of proceeds of sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after effective date of this act; to provide for the supervision and control of such trust funds; to provide for the penalties for violation; for enforcement and supervision by the district attorneys of the several judicial circuits; and for related purposes.

Committee on State Administration.

By Rep. Johnson (RG) (With Notice and Proof):

H. 633. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 633, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Penry and McMillan:

H. 634. To limit the number of deer and turkeys taken for nonresidents, and to prescribe penalties for the violation thereof.

Committee on Natural Resources.

By Reps. Harper, Zoghby, Turner, Buskey (James), Kennedy, and Clark (W) (With Notice and Proof):

H. 635. Relating to Mobile County; to provide further that the Mobile County Commission pay the cost of advertising local bills within thirty days from receipt of the invoice.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 635, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blakeney:

H. 636. To establish the state salary payable to the circuit court clerks and circuit court registers at an amount equal to $3,000.00 less than the state salary payable to the district attorneys; to provide that the salary increases provided by this Act shall be implemented in two steps over the next two fiscal years; to provide an appropriation to the Unified Judicial System for the fiscal year beginning October 1, 1986; and, to provide an effective date.

Committee on Ways and Means.

By Reps. Starr, Flowers, Newman, Grouby, McMillan, Faulk, Blakeney, Bryant, Thomas, Sasser, Warren, and Smith:

H. 637. To amend Section 40-12-248, Code of Alabama 1975, as amended, so as to provide further for the weight and cost classifications of licenses for certain trucks and truck tractors which are owned and operated to transport certain farm or forest products; to provide for a weight variance for climatic conditions; and to provide that the provisions of this act shall be cummulative except to the extent there is a direct conflict.

Committee on State Administration.

By Reps. Hooper and McKee (With Notice and Proof):

H. 638. To amend Section 15 of Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), previously amended by Act No. 587, H. 1383, the Regular Session of the Alabama Legislature 1975, which act, as amended, creates in the City of Montgomery in connection with the regular organized and paid Fire Department of the City of Montgomery the Montgomery Fire Fighters Pension Fund, so as to authorize the trustees of the Montgomery Fire Fighters Pension Fund through a majority of the Board of Trustees the power to repeal, alter, amend, delete, or otherwise in their discretion change the benefits available pursuant to the Montgomery Fire Fighters Pension Fund but not authorizing said trustees to stop or in any way take away or alter benefits presently being received by any member of the fund, presently receiving benefits therefrom, and expressly repealing Sections 16, 17, 18, 19, and 24.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 638, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Starkey:

H. 639. To amend Section 11-41-8, Code of Alabama, 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Committee on Local Government.

By Rep. Hammett (With Notice and Proof):

H. 640. Relating to Covington County, exempting rescue squads from any and all county or municipal sales and use taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 640, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. White (L), Mikell, Butler, Beasley, and Johnson (RG):

H. 641. To amend Section 34-23-92, Code of Alabama 1975, which relates to the duties and powers of the Alabama Board of Pharmacy, so as to provide that members of the board shall be immune from civil liability for conduct in the course of their official duties as board members.

Committee on Health.

By Rep. Turnham:

H. 642. To amend Sections 34-26-1, 34-26-20, 34-26-21, 34-26-22, 34-26-40, 34-26-41, 34-26-42, 34-26-43, 34-26-43.1, 34-26-44, 34-26-45, 34-26-46, 34-26-47 and 34-26-48 so as to further define the requirements for licensure of psychologists.

Committee on Ways and Means.

By Reps. Rice and Turnham (With Notice and Proof):

H. 643. Relating to Lee County, to provide further for a pistol permit fee in said county and the disposition and use of the proceeds of said fee, and to specifically repeal Act 972, H. 1407, Regular Session 1969 (Acts 1969, p. 1718), as amended.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 643, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne:

H. 644. To authorize the County Commissions within the state of Alabama and the Counties Sheriff's Department to prohibit the overgrowth of weeds, the storage and accumulation of junk, inoperable motor vehicles and other litter and to provide for penalties.

WHEREAS, there is a particular problem in certain counties in certain areas of the state which consist of the overgrowth of weeds or vegetation and accumulation or storage of junk, trash, scrap materials, rubbish, tires, inoperable motor vehicles, litter, debris, and other matter, all or any one or combination thereof, on premises of two acres or less within the unincorporated territory of the counties located within the state of Alabama constitute a real and present danger and hazard to the health and safety of the citizens of Alabama; and

WHEREAS, such overgrowth, storage and accumulations are widespread and have caused reduction in the value of neighboring premises; now therefore,

Committee on Local Government.

By Rep. Johnson (RG):

H. 645. Relating to the pharmacy laws of the State of Alabama to require all out-of-state persons, companies or other entities which dispense prescription drugs, whether by mail order or otherwise, shall comply with the laws of the State of Alabama which govern the filling of orders for prescription drugs; and to further provide penalties for the violation of these provisions.

Committee on Health.

By Reps. Zoghby, Gaston, and Clark (W):

H. 646. To amend Section 22-19-22, Code of Alabama 1975, as amended, relating to possession of unclaimed dead bodies, with no next of kin, to be buried at public expense, so as to further provide for the removal of such bodies for the advancement of medical science and cornea transplants to certain medical universities within the state.

Committee on Health.

By Reps. McKee and Hooper:

H. 647. To propose an Amendment to the Constitution of Alabama to provide that the people may propose the repeal and enactment of laws by an initiative referendum.

Committee on State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Biddle:

H. 648. To amend Sections 25-9-2, 25-9-7, 25-9-9, 25-9-10, 25-9-11, 25-9-12, 25-9-13, 25-9-14, 25-9-15, 25-9-19, 25-9-20, 25-9-22, 25-9-27, 25-9-29, 25-9-40, 25-9-41, 25-9-42, 25-9-60, 25-9-61, 25-9-62, 25-9-63, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-86, 25-9-87, 25-9-88, 25-9-89, 25-9-130, 25-9-132, 25-9-133, 25-9-134, 25-9-151, 25-9-152, 25-9-170, 25-9-171, 25-9-173, 25-9-174, 25-9-175, 25-9-176, 25-9-191, 25-9-192, 25-9-210, 25-9-213, 25-9-230, 25-9-251, 25-9-252, Code of Alabama 1975, relating to coal mine safety, so as to provide further for the definition of certain terms and to provide further for the regulations regarding the duties of mine inspectors, mine examination reports, certificates of competency for fire bosses and mine foremen, the composition of the board of examiners, the examination fees, the qualifications for fire boss; provides a penalty for uttering false statements on applications for certificates of competency; provides for suspension, cancellation or revocation of certificates of competency and fees for duplication of same, the qualifications of mine foremen in underground mines, the schedule of mine inspections; provides a penalty for failure to report and correct unsafe conditions, for the possession of controlled substances in or around the mines, the use of protective clothing; provides further for accidents and disasters, for mine fans, gases and ventilation, for explosives and blasting, for underground fire prevention and control, electrical equipment including flame safety lamps, roof support, hoisting and haulage, operation and maintenance of machinery, surface structures, transformers and practices, surface

mining operations, sinking of bald shafts, for underground storage places and haulage roads, for the qualifications of the chief of the division of safety and inspections, and for enforcement of the provisions of this act.

Committee on State Administration.

By Reps. Holmes, Starr, McKee, Hooper, and Buskey (John) (With Notice and Proof):

H. 649. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to grant city ad valorem tax exemptions for up to fifteen (15) years to owner-developers who build new commercial or industrial facilities within the downtown business district as defined by the governing body of said city providing that such owner-developers receiving such exemptions shall, however, continue to pay city ad valorem property taxes on such property as was paid in the year preceding the improvement caused by the construction or development of the new commercial or industrial facility; to provide that the tax exemption herein shall not affect any taxes other than city ad valorem taxes; and to provide for the procedures to be followed in the granting of such exemptions.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 649, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott (With Notice and Proof):

H. 650. To amend Section 11-65-2, Code of Alabama 1975, applicable to Class 1 cities as defined by Section 11-40-12 of said Code, to amend the definition of "Alabama Stallion" to include ownership by certain syndicates as proper resident owners of such Alabama stallions.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 650, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Escott, Blakeney, and White (F):

H. 651. To amend Section 27-8-10 of the Code of Alabama 1975, relating to reexamination of life and disability insurance agents, so as to change the waiting period for a person who has failed to pass two examinations from 6 months to 90 days.

Committee on Insurance.

By Rep. Escott (with Notice and Proof):

H. 652. To amend Chapter 65, Title 11, Code of Alabama 1975, applicable to Class 1 cities as defined by Section 11-40-12 of said Code to provide for the financing of public improvements to serve facilities licensed under said chapter by periodic reimbursements by commission established thereunder, to the sponsoring city and/or the host county to amortize their

financing of the costs of such public improvements paid for by such local governments, and to authorize such commission to treat such reimbursements as expenses of the administration of such chapter, as provided in Chapter 11-65-36 of said Code, to make the provisions of the act severable, and to establish the effective date of the act.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 652, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott:

H. 653. To authorize the incorporation of a public corporation to be known as the Alabama Civil Rights Institute to be located permanently in any Class 1 municipality, based on population according to the last federal decennial census designated by the legislature of Alabama and the classes of municipalities created thereby pursuant to Section 110 of the Constitution of Alabama, as amended, including the City of Birmingham, Alabama, provided such be a Class I municipality at the time of the adoption hereof; to define its purposes; to provide a Board of Trustees of said institute composed of some trustees who serve ex officio, and who may appoint alternates to serve in their stead as provided in the act, and trustees appointed by certain public officials and to define the terms of all such trustees; to provide for suits by and against the institute in the corporate name; to provide that neither the state, the counties thereof nor any municipality therein, shall be liable for the debts or actions of the institute and that trustees thereof shall not be personally liable for actions of the institute or their actions as trustees, save to the institute itself; to provide for incorporation procedures and issuance of certificate of incorporation by the Secretary of State and the contents thereof; to provide for officers of the trustees, meetings thereof, and their compensation and reimbursement of expenses; to provide for the powers of the trustees including the power to acquire title to real and personal property or to lease the same, and to sell, lease or dispose of property surplus to its needs or to provide funds for carrying out its purposes; to provide to the institute such other powers as may be appropriate or necessary to carry out its purposes; to authorize the institute to solicit and accept donations of funds or property from private sources, to make such gifts and donations and all income and property of the institute tax exempt and deductible on state income tax returns, and to require trustees to comply with laws and regulations to make such deductible for federal income tax purposes; to authorize the state, its counties and municipalities therein to appropriate funds to the institute; to authorize the institute to contract and make cooperative agreements with federal, state and local governments and agencies thereof, and with private or public corporations, associations or individuals for any purpose of the institute; to authorize the institute to hire, or contract for, services of persons to perform certain tasks under such rules and regulations as the trustees may adopt; to require the institute to make annual reports to the Governor, the presiding officers of the legislature and other officials and persons; to make the provisions of the act severable; to repeal laws in conflict herewith; and to provide the effective date of the act.

Committee on Ways and Means.

By Rep. Blakeney:

H. 654. To provide protection from civil liability to certain persons rendering assistance in mitigating or preventing hazardous materials acci-

dents, or those who assist in other local officially declared emergencies; to provide that the provisions of this act are cumulative.

Committee on Judiciary.

By Reps. Rogers and Boles (With Notice and Proof):

H. 655. Relating to the City of Birmingham; providing for a city dog racing commission for the regulating, licensing and supervision of greyhound racing and wagering thereon; prescribing the composition, appointment, powers, duties and compensation of such commission; providing for regulating the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack in said city; providing for the distribution of license fees, taxes, commissions and other monies received under the provisions of this act; prescribing penalties for violation of this act and for other purposes relative thereto; providing for a referendum of the qualified electors of the city on the question of whether this act shall become effective in the city and providing that if this act is effectuated by the results of such referendum election, such track shall be located and constructed only within the boundaries of the City of Birmingham with such commission determining such location.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTION

The following resolution was introduced:

By Rep. Holmes:

H. R. 242. REQUESTING THE SPEAKER AND HOUSE LEADERSHIP TO REMOVE THE CONFEDERATE FLAG FROM THE HOUSE CHAMBERS.

WHEREAS, the old Highway Building was built in 1964 and known at present as the State House; and

WHEREAS, this building played no part in the Confederacy directly or indirectly; and

WHEREAS, the appropriate place for all confederate flags would be the first White House of the Confederacy; and

WHEREAS, the confederate flag is the official flag for hate groups as the Ku Klux Klan; and

WHEREAS, the confederate flag symbolizes slavery and suppression against Black people; and

WHEREAS, this is the only place in the new State House building where the confederate flag is displayed,

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Speaker and House Leaders are hereby requested to remove the confederate flag from the House Chambers.

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. R. 242.

DIVISION OF THE QUESTION

Rep. Payne called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. R. 242, and the motion was lost.

Yeas 26; Nays 47.

Yeas:

Mr. Speaker, Black, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Davis, Escott, Grayson, Holley, Holmes, Johnson (RW), Kennedy, Mathis, McDowell, McNair, Newton, Nicholson, Onderdonk, Perdue, Reed, Rogers, Spratt, Thomas and Zoghby.

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Nays:

Reps. Beasley, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Burke, Butler, Carter, Clark (D), Coleman, Cosby, Faulk, Flowers, Ford, Gaston, Goodwin, Hall, Harvey, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Marietta, Martin, McKee, McMillan, Mitchell, Newman, Payne, Penry, Poole, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Venable, White (F), White (G) and White (L).

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The resolution, H. R. 242, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 41. CONGRATULATING THE ALEXANDRIA HIGH SCHOOL VALLEY CUBS, STATE 4A FOOTBALL CHAMPIONS FOR 1985.

Also:

S. J. R. 42. NAMING THE BYPASS TO ALABAMA HIGHWAY 20 THE "MARTIN LUTHER KING DRIVE."

Also:

S. J. R. 44. COMMENDING GAIL OGLE OF SELMA, ALABAMA, FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT.

Also:

S. J. R. 45. HONORING SELMA, ALABAMA'S, DIAMOND, THE "GREAT AMERICAN DOG."

Also:

S. J. R. 48. COMMENDING THE FLOYD JUNIOR HIGH SCHOOL CHEERLEADERS ON THEIR NATIONAL CHAMPIONSHIP.

Also:

S. J. R. 49. COMMENDING JANE C. WALKER OF OPELIKA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

Also:

S. J. R. 50. HONORING MRS. BERTHA OVERTON OF WEDOWEE, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Also:

S. J. R. 53. MOURNING THE DEATH OF BELLAIRE KRUDOP OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 54. COMMENDING WILBUR L. BLACKMON, LEE COUNTY HISTORIAN.

Also:

S. J. R. 58. HONORING DARWIN E. SMITH, CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER OF KIMBERLY-CLARK CORPORATION.

Also:

S. J. R. 63. COMMENDING SUSAN COURTNEY HEDGEPETH, ALABAMA'S JUNIOR MISS 1986.

Also:

S. J. R. 65. PROCLAIMING FEBRUARY AS COMMUNITY COLLEGE MONTH IN ALABAMA.

Also:

S. J. R. 72. COMMENDING MILLIE MURPHREE OF OZARK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 73. COMMENDING STELLA TONEY WHITEHEAD OF DALE COUNTY, ALABAMA, OZARK VOTERS LEAGUE'S WOMAN OF THE YEAR.

Also:

S. J. R. 74. COMMENDING JACOB NELSON McLEOD OF DALE COUNTY, ALABAMA, OZARK VOTERS LEAGUE'S MAN OF THE YEAR.

Also:

S. J. R. 76. ENDORSING THE PROCLAMATION OF JANUARY 1986 AS MEDICAL EYE MONTH.

Also:

S. J. R. 77. MOURNING THE DEATH OF MRS. FLORENCE SANSON CABANISS OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 78. COMMENDING ROBERT D. WORD, JR., OF SCOTTSBORO, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. J. R. 88. COMMENDING REESE CATER LEE, 1985 "FREE ENTERPRISE PERSON OF THE YEAR."

Also:

S. J. R. 89. MOURNING THE DEATH OF C. M. A. ROGERS, III, OF MOBILE, ALABAMA.

Also:

S. J. R. 93. MOURNING THE DEATH OF VERNON ZIONCHEK CRAWFORD OF MOBILE, ALABAMA.

Also:

S. J. R. 97. WELCOMING THE HMS BATTLEAXE, USS BRISCOE, FGS HESSEN, HMCS OTTAWA AND THE HNEMS TROMP, AND THEIR CREWS, TO THE PORT OF MOBILE AND THE STATE OF ALABAMA.

Also:

S. J. R. 101. COMMENDING LARKIN H. WADE OF AUBURN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 105. COMMENDING BURL HOLLIE "BOJACK" WARREN, JR. OF SUMITON, ALABAMA FOR EXTRAORDINARY COURAGE IN AID OF A LAW ENFORCEMENT OFFICER.

Also:

S. J. R. 122. COMMENDING MRS. PAT ANDERSON AND THE FOLEY HIGH SCHOOL COMPUTER CENTER FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 125. MOURNING THE DEATH OF JOHN BUNYAN TOLAND OF MILLERVILLE, ALABAMA.

Also:

S. J. R. 127. COMMENDING DONNA BEVERLY OF ASHLAND, MISS TEEN OF ALABAMA.

Also:

S. J. R. 128. COMMENDING CHRISTINE GRIFFIN CALLAHAN FOR OUTSTANDING CONTRIBUTIONS TO PUBLIC EDUCATION AND THE LINEVILLE, ALABAMA, SCHOOLS.

Also:

S. J. R. 129. COMMENDING SOLON DIXON OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 130. RECOGNIZING THE AMERICAN STERILIZER COMPANY (AMSCO) AND AMSCO/MONTGOMERY FOR OUTSTANDING CONTRIBUTIONS TO THE MONTGOMERY COMMUNITY AND THE STATE OF ALABAMA.

Also:

S. J. R. 131. COMMENDING THE CARVER CREATIVE AND PERFORMING ARTS CENTER, CARVER SENIOR HIGH SCHOOL, MONTGOMERY, ALABAMA.

Also:

S. J. R. 135. HONORING SCOTT CUNNINGHAM OF EIGHT MILE, ALABAMA, THE MARCH OF DIMES NATIONAL AMBASSADOR AND 1985-86 POSTER CHILD.

Also:

S. J. R. 136. COMMENDING OTHO ROWLES, SAM WEATHERLY, JOHN WARREN AND NELL THRASHER.

Also:

S. J. R. 137. INVITING THE HONORABLE GEORGE C. WALLACE, GOVERNOR OF ALABAMA, TO ADDRESS THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Albright, White (L), Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas,

Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

H. J. R. 243. MOURNING THE DEATH OF VELMA SANDERS HALL OF GURLEY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Velma Sanders Hall of Gurley, Alabama, on February 13, 1986, at the age of 71 years; and

WHEREAS, a native and lifelong resident of Madison County, Mrs. Hall was the wife of a farmer and, throughout their married life, shared the farm duties with her husband, working side by side; and

WHEREAS, Mrs. Hall, who was an outstanding Bible scholar, was an active member of the Gurley Church of Christ, and was a charter member of the Gurley Golden 60's, rendering invaluable service to all its programs and activities; and

WHEREAS, in addition to her hobbies of fishing, crocheting and other needlework, Mrs. Hall was an avid gardener and through a special knack with vegetables and flowers, her gardens flourished in beauty and in bountiful harvest; and

WHEREAS, Mrs. Hall, in deep faith and devotion, and through innate compassion and concern for others, was indeed a shining example of Christianity; her life was one of great generosity, love, service and, above all, devotion to her church and to her beloved daughter, Corene Hall Harris, and her son, Albert Hall, our good friend and colleague in the Alabama House of Representatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of her memory and in gratitude for her rich full life, we grievously mourn the death of Mrs. Velma Sanders Hall of Gurley, Alabama, and extend deepest sympathy to her son and daughter, and to other family members and many friends, whose deep sorrow we sincerely share and for whom copies of this resolution shall be provided.

On motion of Rep. Albright, the rules were suspended and the resolution, H. J. R. 243, was adopted.

Also:

By Reps. Rogers and Davis:

H. J. R. 244. SUPPORTING ALABAMA'S ALL-AMERICAN BOWL GAME.

WHEREAS, the All-American Bowl game held at the end of the college football season is without question one of the premier events in Alabama; and

WHEREAS, the All-American Bowl game has already established an impressive reputation when compared to other post-season bowl games by setting records for the largest pay-off for a first year bowl and the largest attendance for a third year bowl; and

WHEREAS, this bowl game has been televised nationwide with sportscasters inevitably filling empty air time with highly complimentary commentary on Birmingham and the State of Alabama focusing attention to our state that could not possibly be afforded through paid advertising; and

WHEREAS, thousands of bowl visitors, who otherwise would never have traveled to our state, bolster our economy and spread the good word about Alabama when they return home; and

WHEREAS, the overall impact of the All-American Bowl game on Alabama is tremendous; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body is in support of obtaining $250,000.00 from some source to provide for greater promotional activities to make the All-American Bowl game an even bigger and better event for the benefit of the State of Alabama.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 244, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Clark (W) and Buskey (JE):

H. R. 245. COMMENDING PASTOR JOHNNIE J. PHILLIPS OF MT. SINAI MISSIONARY BAPTIST CHURCH, WHISTLER, ALABAMA ON HIS 25TH ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 246. COMMENDING PATSYE HARRIS LUCAS OF PIKE COUNTY, ALABAMA.

Also:

By Rep. Newman:

H. R. 247. CONGRATULATING MR. AND MRS. JELKS HIGHTOWER ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

Also:

By Rep. Escott:

H. J. 248. RECOGNIZING THE ATLANTA SUB 40 RUNNING CLUB FOR WORTHY PURPOSE AND ACCOMPLISHMENT.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 249. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching bills on third reading, the following bills shall be made the special, paramount and continuing order of business beginning on Tuesday, February 25, 1986, and continuing on Wednesday, February 26, 1986, if in session, until such time as said bills are disposed of:

Bill No.	Page	Sponsor	Short Title
H. 513	67	Albright	Unemployment compensation
H. 185	64	Johnson (RW)	County capital improvements
H. 132	12	Johnson (RW)	Municipal capital improvements

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the resolution, H. R. 249:

Amend H. R. 249 by reversing the order of H. 185 and H. 132.

AMENDMENT TABLED

On motion of Rep. Johnson (RW), the amendment offered by Rep. Hettinger to the resolution, H. R. 249, was tabled.

Yeas 55; Nays 34.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blakeney, Bowling, Brakefield, Britnell, Bryant, Burke, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Goodwin, Grouby, Hammett, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Mathis, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Venable, Warren, White (F) and White (L)

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Nays:

Reps. Albright, Beers, Box, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (W), Davis, Ford, Fuller, Gaston, Grayson, Harper, Hettinger, Kennedy, Kvalheim, Marietta, Martin, McDowell, McKee, McMillan, McNair, Parker, Payne, Rogers, Seibels, Spratt, Starr, Turner, Turnham, White (G) and Zoghby.

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RESOLUTION ADOPTED

On motion of Rep. Clark (J), the resolution, H. R. 249, was adopted.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Albright, Budget Isolation Resolution relating to H. B. 513, was adopted.

Yeas 85; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW),

Junkins, Kennedy, Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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Nays:

Reps. Brooks, Gaston, Harper, Kvalheim, McKee, Payne and Starr.

—7

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 513. To amend Section 25-4-72 of the Code of Alabama (The Alabama Unemployment Compensation Law) as last amended, to provide an increase in weekly benefit amount to $140.00 effective for weeks of unemployment beginning on and after the first Sunday in July, 1986.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (RW) offered the following substitute to the bill, H. 513:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 25-4-72, Code of Alabama 1975, as last amended, so as to increase the maximum individual weekly unemployment compensation benefit to $135.00 effective July 6, 1986, and to provide that such weekly rates be computed based upon the wages paid to an individual during the two quarters of his base period during which his wages were highest.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 25-4-72, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-72. Individual weekly amount.

(a) For weeks of unemployment during benefit years which begin before the effective date of subsection (b) of this section, an individual's weekly benefit amount shall be as prescribed by this section as amended through ~~May 1975,~~ February 1983.

(b) For weeks of unemployment during benefit years beginning on or after ~~the first Sunday of the first calendar quarter which begins not less than 90 days following the effective date of this act,~~ July 6, 1986, an individual's weekly benefit amount shall be an amount equal to one twenty-fourth of the ~~total~~ average of the wages for insured work paid to him during ~~that quarter~~ the two quarters of his base period in which such total wages were the highest; except that:

(1) If the amount thus derived is not a multiple of $1.00, fractional parts of $1.00 in excess of $.50 shall be rounded to the next higher multiple

of $1.00 and fractional parts of $1.00 which are $.50 or less shall be dropped to the next lower multiple of $1.00.

(2) If the amount derived before the application of subdivision (1) of this subsection (b) is not in excess of $21.50, there shall be no weekly benefit amount.

(3) ~~If the amount thus derived is more than $110.50, the weekly benefit amount shall be $120.~~ If, for weeks of unemployment during benefit years beginning on or after July 6, 1986, the amount thus derived is more than $134.50, the weekly benefit amount shall be $135.00.

(c) If, as a condition for approval of this section for full tax credit against the tax imposed by the Federal Unemployment Tax Act, federal law should require a greater maximum weekly benefit amount than provided herein, then the maximum weekly benefit amount shall be the minimum required by any such federal law for such approval.

(d) Nothing herein shall serve to deprive any individual of any benefit for which he had qualified in any benefit year beginning prior to the effective date of the provisions of subsection (b) of this section."

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

MOTION TO TABLE LOST

The motion offered by Rep. Grayson to table the substitute offered by Rep. Johnson (RW), to the bill, H. 513, was lost.

Yeas 44; Nays 54.

Yeas:

Mr. Speaker, Albright, Beasley, Black, Blake, Boles, Bowling, Brakefield, Britnell, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Ford, Goodwin, Grayson, Holmes, Junkins, Kennedy, Lauderdale, Martin, Mathis, McDowell, McNair, Newton, Nicholson, Perdue, Poole, Pratt, Preuitt, Rains, Rogers, Sasser, Spratt, Starkey, Trammell and Turner.

—44

Nays:

Reps. Adams, Beers, Biddle, Blakeney, Box, Brooks, Bryant, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Marietta, McKee, McMillan, Mikell, Mitchell, Onderdonk, Parker, Payne, Penry, Reed, Rice, Richardson, Seibels, Smith, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—54

CO-SPONSOR ADDED

Rep. Rains was added as co-sponsor to the bill, H. 513.

The question was then on the substitute offered by Rep. Johnson (RW) to the bill, H. 513.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (RW), the motion offered by Rep. Grayson to postpone consideration of the bill, H. 513 and the pending substitute, temporarily, was tabled.

Yeas 50; Nays 45.

Yeas:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Box, Bryant, Campbell, Carothers, Carter, Clark (J), Clark (W), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Marietta, McKee, McMillan, Mikell, Mitchell, Onderdonk, Payne, Penry, Rice, Richardson, Seibels, Smith, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—50

Nays:

Mr. Speaker, Albright, Black, Boles, Bowling, Brakefield, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (D), Coburn, Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Harvey, Hettinger, Holmes, Junkins, Kennedy, Lauderdale, Martin, Mathis, McDowell, McNair, Newton, Nicholson, Perdue, Poole, Pratt, Preuitt, Rains, Rogers, Sasser, Spratt, Starkey, Trammell and Turner.

—45

The question was again on the adoption of the substitute offered by Rep. Johnson (RW) to the bill, H. 513.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (RW), the motion offered by Rep. Grayson to postpone consideration of the bill, H. 513 and the pending substitute, to the fourteenth legislative day, was tabled.

Yeas 51; Nays 46.

Yeas:

Reps. Adams, Beers, Blakeney, Box, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Davis, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW) Kvalheim, Lindsey, Marietta, Martin, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Onderdonk, Penry, Rice, Richardson, Rogers, Seibels, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—51

Nays:

Mr. Speaker, Albright, Beasley, Black, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coburn, Crow, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Kennedy, Lauderdale, Mathis, Newman, Newton, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Sasser, Smith, Spratt, Thomas and Trammell.

—46

The question was again on the adoption of the substitute offered by Rep. Johnson (RW) to the bill, H. 513.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (RW), the motion offered by Rep. Grayson to postpone consideration of the bill, H. 513 and the pending substitute, to the fifteenth legislative day, was tabled.

Yeas 49; Nays 48.

Yeas:

Reps. Adams, Beers, Blakeney, Box, Bryant, Campbell, Carothers, Carter, Clark (J), Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Marietta, Martin, McKee, McMillan, Mikell, Mitchell, Onderdonk, Payne, Penry, Poole, Rice, Richardson, Seibels, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—49

Nays:

Mr. Speaker, Albright, Beasley, Black, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Holmes, Junkins, Kennedy, Lauderdale, Mathis, McDowell, McNair, Newman, Newton, Nicholson, Parker, Perdue, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Smith, Spratt, Starkey and Trammell.

—48

The question was again on the adoption of the substitute offered by Rep. Johnson (RW) to the bill, H. 513.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (RW), the motion offered by Rep. Grayson to postpone consideration of the bill, H. 513 and the pending substitute, to the sixteenth legislative day, was tabled.

Yeas 48; Nays 46.

Yeas:

Reps. Adams, Beers, Blakeney, Box, Bryant, Campbell, Carothers, Carter, Clark (J), Cosby, Faulk, Flowers, Fuller, Gaston, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Marietta, Martin, McKee, McMillan, Mikell, Mitchell, Onderdonk, Payne, Penry, Poole, Rice, Richardson, Seibels, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—48

Nays:

Mr. Speaker, Albright, Beasley, Black, Blake, Boles, Bowling, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Harvey, Holmes, Junkins, Kennedy, Lauderdale, Mathis, McDowell, McNair, Newman, Nicholson, Parker, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Smith, Spratt, Trammell and Turner.

—46

SUBSTITUTE ADOPTED

The question was again on the substitute offered by Rep. Johnson (RW) to the bill, H. 513, and the substitute was adopted.

Yeas 49; Nays 48.

Yeas:

Reps. Adams, Beers, Blakeney, Box, Brooks, Bryant, Campbell, Carothers, Carter, Clark (J), Cosby, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Marietta, McKee, McMillan, Mikell, Mitchell, Onderdonk, Payne, Penry, Rice, Richardson, Seibels, Smith, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—49

Nays:

Reps. Mr. Speaker, Albright, Beasley, Black, Blake, Boles, Bowling, Brakefield, Britnell, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Goodwin, Grayson, Harvey, Holmes, Junkins, Kennedy, Lauderdale, Martin, Mathis, McDowell, McNair, Newman, Newton, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rogers, Sasser, Spratt, Trammell and Turner.

—48

And the bill:

H. 513. To amend Section 25-4-72, Code of Alabama 1975, as last amended, so as to increase the maximum individual weekly unemployment compensation benefit to $135.00 effective July 6, 1986, and to provide that such weekly rates be computed based upon the wages paid to an individual during the two quarters of his base period during which his wages were highest.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 13.

Yeas:

Reps. Adams, Albright, Beers, Black, Blakeney, Boles, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—81

Nays:

Mr. Speaker, Beasley, Blake, Brooks, Buskey (JE), Clark (W), Coburn, Goodwin, Hooper, McKee, Nicholson, Poole and Trammell.

—13

ADJOURNMENT

On motion of Rep. Johnson (RW), the House adjourned until 3:00 o'clock p.m., Wednesday, February 26, 1986.

FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, February 26, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Don Watterson, Associate Executive Secretary, State Baptist Convention, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Rep. Moore due to illness.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED RESOLUTIONS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed resolution with the original resolution and finds same correctly engrossed, to-wit:

H. J. R. 135. DESIGNATING THE NATIONAL HISTORIC FORT MORGAN OUTDOOR DRAMA AS THE FIRST OFFICIAL STATE OUTDOOR DRAMA.

JIMMY CLARK,
Chairman.

And the resolution, H. J. R. 135 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 513. To amend Section 25-4-72, Code of Alabama 1975, as last amended, so as to increase the maximum individual weekly unemployment compensation benefit to $135.00 effective July 6, 1986, and to provide that such weekly rates be computed based upon the wages paid to an individual during the two quarters of his base period during which his wages were highest.

JIMMY CLARK,
Chairman.

And the bill, H. 513 as engrossed, was sent to the Senate.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to H. B. 185, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Coburn, Coleman, Crow, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey,

Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

SPECIAL ORDER RESUMED

The House then proceeded with the consideration of the bills on the Special Order Calendar adopted on the thirteenth legislative day.

And the bill:

H. 185. To create the County Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among county governments; and to provide for the uses to which such moneys shall be put.

Was taken up.

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 185:

In section 6, page 3, delete all of lines 13 through 21 and insert in lieu thereof the following language:

Section 6. Distribution of Fund Capital. The fund capital shall be distributed to the several counties of the state and shall be paid on January 2 of the fiscal year for which each annual appropriation shall.

AMENDMENT TABLED

On motion of Rep. Johnson (RW), the amendment offered by Rep. Hettinger to the bill, H. 185, was tabled.

Yeas 62; Nays 34.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Bryant, Burke, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Dutton, Escott, Faulk, Flowers, Fuller, Goodwin, Grouby, Hammett, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Perdue, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Thomas, Trammell, Venable, Warren, White (F), White (G) and White (L).

—62

Nays:

Reps. Box, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Clark (W), Crow, Davis, Ford, Gaston, Hall, Harper, Hettinger, Hooper,

Kennedy, Kvalheim, Marietta, McDowell, McKee, McMillan, McNair, Parker, Payne, Penry, Pratt, Rice, Rogers, Starr, Turner, Turnham and Zoghby.

—34

CO-SPONSORS ADDED

Rep. Rains was added as co-sponsor to the bill, H. 185.

AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, H. 185:

On p. 3, lines 7-8, delete the words and figures "sixty million dollars ($60,000,000)" and insert in lieu thereof the following:

seventy-five million dollars ($75,000,000)

On p. 3, lines 11-12, delete the words and figures "sixty million dollars ($60,000,000)" and insert in lieu thereof the following:

seventy-five million dollars ($75,000,000)

AMENDMENT TABLED

On motion of Rep. Johnson (RW), the amendment offered by Rep. Albright to the bill, H. 185, was tabled.

Yeas 78; Nays 8.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Onderdonk, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—78

Nays:

Reps. Albright, Bugg, Flowers, Hall, Hettinger, McKee, Parker and Rogers.

—8

AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 185.

On p. 4, after line 27, add the following (F) and (G):

(F) public health; counties may expend funds for the operation and maintenance of the county health department.

(G) pensions and security; counties may expend funds for the operation and maintenance of the county pensions and security department.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Gray, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Payne, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

And the bill, H. 185 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 98; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—98

Nays: Reps. Brooks, Hall and Hettinger. —3

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Albright would have voted "Nay" on the bill, H. 185, had his machine not malfunctioned.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 185:

Reps. Blake, Venable, Adams, Bachus, Beasley, Beers, Black, Box, Brakefield, Britnell, Browder, Bryant, Buskey (JE), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Drake, Dutton, Faulk, Flowers, Ford, Fuller, Goodwin, Grouby, Harper, Harvey, Hooper, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan,

McNair, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Warren, White (F), White (G) and White (L).

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RW), Budget Isolation Resolution relating to H. B. 132, was adopted.

Yeas 96; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, McNair, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—96

Nays: Reps. Gray and Hall. —2

And the bill:

H. 132. To create the Municipal Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among incorporated municipalities and to provide for the uses to which such monies shall be put.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 99; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers,

Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—99

Nay: Rep. Gray. —1

CO-SPONSORS ADDED

Reps. Preuitt, Rains and Blake were added as co-sponsors to the bill, H. 132.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Sasser would have voted "Yea" on the bill, H. 132, had his machine not malfunctioned.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 250. COMMENDING THE CLAY COUNTY RESCUE SQUAD FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

By Rep. Laird:

H. R. 251. COMMENDING THE TRI COMMUNITY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 252. COMMENDING THE SHINBONE VALLEY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 253. COMMENDING THE SHILO VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Onderdonk and Blakeney (With Notice and Proof):

H. 656. Relating to Clarke County; providing for the appointment of the county superintendent of education; providing for a referendum on the question of whether the electors of the county favor the appointment of the county superintendent of education.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 656, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Faulk:

H. 657. To amend Section 8-15-7, Code of Alabama (1975), which provides for insurance and bonding requirements for public warehouses so as to allow a bond equivalent in lieu of a bond in the form of cash or government bonds; to amend §8-15-10, which provides civil penalties for operating a public warehouse without being licensed, from civil penalties to a Class "B" misdemeanor.

Committee on Agriculture and Forestry.

By Rep. Holley:

H. 658. To amend Code of Alabama 1975, Section 7-9-307, so as to conform to the Federal Food Security Act of 1985, adding new subsections (4) and (5) to provide for the protection of a secured party filing with the Secretary of State and to amend Code of Alabama 1975, Section 7-9-407, so as to conform to the Federal Food Security Act of 1985, by adding new subsections (3), (4), (5) and (6); to enable and require the Secretary of State to develop and implement a central indexing system, a list of buyers of farm products, commission merchants and selling agents; to provide for a distribution of such listing; and to require oral confirmation of the filing of the form prescribed in Section 7-9-307(4).

Committee on Banking.

By Rep. White (L) (With Notice and Proof):

H. 659. To authorize the Tallapoosa County Board of Health to designate the services rendered by the Tallapoosa County Health Department for which a reasonable fee may be charged; to provide that the Tallapoosa County Board of Health shall be required to set a maximum fee for each service; to provide that the Tallapoosa County Health Department may charge and collect such fees; to provide that no citizen shall be deprived of any service because that person is unable to pay; and to provide for the allocation of all fees collected.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 659, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L) (With Notice and Proof):

H. 660. Relating to Tallapoosa County; providing certain additional compensation for the members of the board of registrars for the duration of voter reassignment and providing for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 660, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Johnson (RG) and Preuitt (With Notice and Proof):

H. 661. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 661, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mitchell (With Notice and Proof):

H. 662. Relating to Pickens County, providing further for the procedure for selling and redeeming lands for taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 662, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Mitchell (With Notice and Proof):

H. 663. Relating to Pickens County; providing further for the expense allowance and salary of the county coroner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 663, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable:

H. 664. To amend section 32-5A-192, Code of Alabama 1975, relating to homicide by vehicle, so as to alter the term of imprisonment for persons convicted of violating said section.

Committee on Judiciary.

By Rep. Burke:

H. 665. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of providing funds for the administration of the unemployment compensation and employment service programs as the director shall determine to be in the best interest of the State, and the total cost of which does not exceed the amount of this appropriation. Such funds are to be expended exclusively for the programs administered by the Division

of Employment Security of the Department of Industrial Relations of the State of Alabama.

Committee on Ways and Means.

By Reps. Lindsey, Preuitt, and Dutton:

H. 666. To amend Section 9-13-2 of the Code of Alabama 1975, so as to provide further for the expenditure and use of a certain portion of the moneys accruing from receipts from national forests distributed to certain counties.

Committee on Ways and Means.

By Rep. Nicholson:

H. 667. To amend Sections 11-50-234 and 11-50-313, Code of Alabama 1975, which provide for the number and terms of members of municipal utility boards, so as to increase the number of members of said boards.

Committee on Local Government.

By Rep. Nicholson:

H. 668. Relating to Walker County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official and permanent records in Walker County.

Committee on Local Legislation No. 1.

By Reps. Cosby, White (L), Drake, Flowers, Preuitt, Sasser, and Carter:

H. 669. To provide for health maintenance organizations (HMO's); to provide definitions; to provide for a procedure for the issuance, renewal, suspension, fees and application for certificate of authority for HMO's; to create a governing body for HMO enrollees and for its fiduciary duties; to provide for the licensing of agents of HMO's; to provide for the powers, duties and responsibilities of HMO's; to provide for the administration and regulation of HMO's by the insurance commissioner and state health officer and to grant rule making powers for implementation; and to provide for enforcement for the provisions of this Act and to provide penalties for violation.

Committee on Insurance.

By Reps. Cosby, Johnson (RW), Warren, Bryant, Blakeney, Black, and Smith:

H. 670. To provide that for purposes of state income tax, if a taxpayer has a capital gain from the disposition of property used in farming in an involuntary liquidation sale, he shall be entitled to the same carry forward provisions and subject to the same limitations as permitted for short-term capital gains under the Internal Revenue Code.

Committee on Ways and Means.

By Reps. Starkey and Clark (D) (With Notice and Proof):

H. 671. Relating to Lauderdale County and its municipalities for the purpose of said county and municipalities joining with Colbert County and

its municipalities, for the purpose of forming a Shoals Industrial Development Authority for promoting industry and trade and the development of said counties and cities; to provide for the organization, powers, functions, duties and personnel of such authority, and for the payment of expenses of the authority and for the compensation of its employees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 671, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Butler, Turnham, Carter, Hall, Grouby, Lindsey, Dutton, Lauderdale, Bugg, Coleman, Martin, Newman, Junkins, Mikell, Richardson, Crow, Starkey, Smith, Gray, Clark (D), Goodwin, Brakefield, Poole, Beasley, Mathis, Carothers, Blakeney, Bryant, Rice, Venable, Sasser, Johnson (RW), Burke, Parker, Payne, Trammell, White (L), Pratt, and Boles:

H. 672. To amend Section 36-30-2 of the Code of Alabama 1975, relating to compensation for death of peace officers and firemen, so as to provide further for compensation for certain volunteer firemen and to provide for retroactive effect to November 1, 1983.

Committee on Ways and Means.

By Rep. Butler:

H. 673. To exempt the Ladies Oriental Shrine of North America, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 399. To amend Section 22-52-1 of the Code of Alabama 1975 relating to petition for commitment of mentally ill persons so as to provide for special petitions to be filed by law enforcement officers.

H. 313. To amend Section 36-25-27, Code of Alabama 1975, which prescribes penalties for violations of the State Ethics Law, so as to establish the minimum possible penalty for violating the law at two years imprisonment or a minimum fine of $2,001.00, or both.

H. 546. To amend Section 36-25-27, Code of Alabama 1975, which provides for penalties for violations of the provisions of the ethics law, so as to provide further for said penalties.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 583. (With Substitute): To provide further for the regulation, control, abatement and prevention of environmental problems in the state, including

problems resulting from air and water pollution, solid and hazardous waste management activities, coastal area activities, the supply of drinking water, water well drilling and the operation of water and wastewater treatment plants. Specifically, this Act amends Section 22-22A-5, Code of Alabama 1975, as amended, to authorize the Alabama Department of Environmental Management to issue administrative orders assessing civil penalties for violation of laws which it administers; to provide against duplicate and repetitive administrative penalties; to authorize the Alabama Department of Environmental Management or Attorney General to commence civil actions to recover penalties for such violations; and to require that such penalties be deposited to the credit of the general fund; to authorize the Alabama Department of Environmental Management, Attorney General or District Attorneys to commence civil actions to enjoin violations of laws administered by the Alabama Department of Environmental Management; to clarify the authority of the Alabama Department of Environmental Management to enforce the provisions of laws which it administers and to issue licenses. This Act also amends Section 22-22A-7, Code of Alabama 1975, as amended, to provide that administrative action which was or could have been reviewed by the Environmental Management Commission shall not be subject to judicial review in civil or criminal enforcement proceedings; to provide for appeals of rules based on grounds arising at any time; to provide for prompt appeals to circuit court.

This Act also amends Section 22-22A-11, Code of Alabama 1975, as amended, relating to the Alabama Department of Environmental Management Fund to allow for deposit of fines and penalties into the general fund. This Act also amends Sections 9-7-22, 22-22-9, 22-28-22 and 22-23-52, Code of Alabama 1975, as amended, to repeal provisions relating to civil actions for the recovery of penalties and injunctive relief. This Act also amends Section 22-22-9, Code of Alabama 1975, as amended, to clarify that enforcement provisions are applicable to permits and orders issued by the Alabama Department of Environmental Management; to clarify that certain provisions apply to pollutants as well as sewage, industrial wastes or other wastes; to clarify existing subpoena powers; and to modify the notice requirements for water quality standards. This bill also amends Section 22-22-14, Code of Alabama 1975, as amended, to provide further for the punishment of persons who are convicted of a violation committed after a first conviction. This Act also amends Section 22-28-22, Code of Alabama 1975, as amended, to clarify existing subpoena powers. This Act also amends Section 22-28-23, Code of Alabama 1975, as amended, to provide that local air pollution programs may adopt provisions for administrative assessment of civil penalties and issue permits in lieu of permits from the Department. This Act also amends Section 22-30-19, Code of Alabama 1975, as amended, to repeal provisions relating to administrative assessment of penalties; to permit representatives of the Alabama Department of Environmental Management to enter premises, including transportation facilities, for purposes related to the administration of the Hazardous Wastes Management Act of 1978, including inspection and copying of records required to be maintained; to make criminal a culpable omission in an application, label, manifest, record, report, permit or document and the destruction, alteration, concealment or failure to maintain or file certain documents; and to increase the fines for criminal offenses. This Act also makes clear the legislative intention that the Alabama Department of Environmental Management provide notice in the manner prescribed by those laws made expressly applicable to it.

H. 432. (With Substitute): To require a grand jury investigation of any hunting accident involving a gun or bow and arrow when such accident

results in death or injury requiring hospitalization and when such death or injury is caused by one person against another; and to require further that all such accidents be reported to the office of the Director of the Game and Fish Division of the Department of Conservation and Natural Resources.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 333. To establish a condemnation law of the State of Alabama for vehicles and equipment used in setting woodland or grassland fires and to further set forth a procedure whereby vehicles and equipment used in connection with such unlawful acts be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of Code of Ala. (1975), Sec. 9-13-11(a)(1).

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 515. (With Amendment): To amend Section 8-1-80 of the Code of Alabama 1975 relating to pawnbrokers, so as to grant any law enforcement officer authorization to recover stolen property from the pawnbroker upon the receipt of such proof; to provide a penalty on pawnbrokers for failure to keep a record book containing a description of all pledged merchandise available to the public during business hours.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 488. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than 5 circuit judges; and repealing Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

H. 393. To provide that the governor of Alabama or his designee shall be empowered to allow the transfer of foreign nationals imprisoned in this state to the country of their citizenship subject to the terms of a valid treaty between the United States and that country.

H. 287. To amend Sections 13A-6-60 and 13A-6-64, Code of Alabama 1975, relating to sexual offenses in the criminal code, so as to define the crime of bestiality and to prescribe penalties for the commission of such crime.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 519. (With Substitute): To amend Sections 15-23-3, 15-23-4, 15-23-5, 15-23-14, and 15-23-17, of the Code of Alabama, 1975 which relates to the Alabama Crime Victims Compensation Commission so as to provide for a new definition of the terms "criminally injurious conduct", "victim" and

"collateral source", to provide that the required regular monthly meetings of the commission be on Thursday; to provide that governmental agencies provide statistical data to the commission; to provide that the commission may initiate litigation to protect its subrogation rights and to fulfill its duties and responsibilities; to provide the commission with access to law enforcement reports; to provide that those reports be privileged; to provide that the commission be subrogated to the rights of the victim when compensation is awarded; to provide that the commission be exempt from the payment of fees for recording restitution orders; to provide that the employees of the commission be under the Merit System Act; and to provide that victim compensation assessment fees be ordered in all felony cases.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 528. To provide for different classes of wreckers and to provide for the license plates to be displayed on said wreckers.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 181. (With Amendments): Relating to crimes and offenses; making it a certain felony for a person to wear or otherwise utilize body armor in the commission of and flight from commission of a felonious offense and prescribing penalty for such violations.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 625. To establish the offense of criminal trespass by motor vehicle and to provide for penalties.

H. 361. To amend Section 41-9-374 of the Code of Alabama 1975, relating to certain appropriation provisions for the Alabama commissioners on uniform state laws, so as to remove the limitation on funds payable to the national conference of commissioners on uniform state laws.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 493. (With Amendment): To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchase money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed after the effective date of this act which

is July 1, 1986. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 494. To provide for the better enforcement of foreign judgments by adopting the Uniform Enforcement of Foreign Judgments Act. This Act will give such judgments the same force and effect as a judgment issued by a court in this state.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 379. (With Substitute): To amend Section 34-9-18 Code of Alabama, 1975, to provide that complaints before the Board of Dental Examiners and testimony with respect thereto are absolutely privileged and to grant immunity from suit to the Board of Dental Examiners.

Rep. Carothers, Vice-Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 624. To amend section 34-22-42, Code of Alabama 1975, which relates to the duties and powers of the Alabama Board of Optometry, so as to provide that members of the board shall be immune from civil liability for conduct in the course of their official duties as board members.

H. 641. To amend Section 34-23-92, Code of Alabama 1975, which relates to the duties and powers of the Alabama Board of Pharmacy, so as to provide that members of the board shall be immune from civil liability for conduct in the course of their official duties as board members.

H. 645. Relating to the pharmacy laws of the State of Alabama to require all out-of-state persons, companies or other entities which dispense prescription drugs, whether by mail order or otherwise, shall comply with the laws of the State of Alabama which govern the filling of orders for prescription drugs; and to further provide penalties for the violation of these provisions.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 596. (With Amendment): To provide for the creation, promulgation, and dissemination of written policies for educational support personnel.

Rep. Grayson, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 120. To amend Section 16-28-3, Code of Alabama, 1975, relating to ages of children required to attend school, so as to require a change in the age levels necessary to attend school from 7-16 to 6-16 years.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 511. To further define flotation device under certain circumstances for certain sailboarders or wind surfers, any law, rule or regulation to the contrary notwithstanding.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 154. (With Amendment): To create the Alabama Turkey Hunters Hall of Fame Board and Museum; to prescribe its purposes, membership and location; to provide for the appointment of its members and for the holding of meetings.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 60. Relating to Cullman County; to amend further Act No. 711, H. 1109, Regular Session 1976 (Acts 1976, p. 991), as amended by Act No. 81-1037, H. 38, Second Special Session 1981 (Special Session Acts 1981, p. 237), and Act No. 85-886, H. 13, Regular Session 1985, which act charges a court cost in criminal cases to be remitted to the juvenile probation fund and the county sheriff's office, so as to charge an additional $3.00 court cost on each criminal case in the county, the proceeds to be earmarked for juvenile programs, and expenses and subsistence for the juvenile probation officer's office, to specifically repeal Act 85-886, H. 13, 1985 Regular Session, and to provide that this act shall be retroactively effective to September 19, 1985.

S. 63. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of St. Florian in Lauderdale County.

S. 185. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County; to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Gulf Shores.

H. 561. To propose an amendment to the Constitution of Alabama of 1901 relating to Marshall County so as to prohibit annexation of territory within Marshall County by out of county municipalities without a vote of the people of Marshall County.

The above bill was read a second time at length as required by the Constitution.

H. 597. Relating to Henry County; providing for an expense allowance for the County Superintendent of Education; repealing Act No. 81-262, H. 643 (Acts 1981, p. 343); and providing for its retroactive effect.

H. 600. Relating to Chambers County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of

Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official and permanent records in Chambers County.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 622. (With Amendment): Relating to Lee County; authorizing the county commission to establish fire districts and to provide fire fighting and fire prevention services for dwellings, commercial structures, field and forest lands through the use of volunteer fire departments in cooperation with the Alabama Forestry Commission; authorizing the county commission to assess the whole or a part of the costs thereof, within a prescribed limit, against said recipients; and prescribing the procedure for levying and collecting such assessments.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 628. To alter, rearrange and extend the boundary lines and corporate limits of the City of Cullman, in Cullman County.

H. 640. Relating to Covington County, exempting rescue squads from any and all county or municipal sales and use taxes.

H. 643. Relating to Lee County, to provide further for a pistol permit fee in said county and the disposition and use of the proceeds of said fee, and to specifically repeal Act 972, H. 1407, Regular Session 1969 (Acts 1969, p. 1718), as amended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 121. Relating to the practice of veterinary medicine and surgery in Alabama; to provide for the issuance, suspension, revocation and renewal of licenses for persons admitted to or engaged in the practice of veterinary medicine as a veterinarian or veterinary technician; to create the Alabama State Board of Veterinary Medicine to administer the act; to provide for its organization, officers, jurisdiction, powers and duties; to provide for certain inspections of facilities and the issuance of premise permits; to provide for hearings and appeals; to impose fees and charges and provide for the use of such; to prescribe penalties; and to repeal conflicting laws and to specifically repeal Sections 34-29-1 through 34-29-6, 34-29-20 through 34-29-23 and 34-29-40 through 34-29-46 of the Code of Alabama 1975.

Also:

By Senator Teague:

S. 14. To amend Section 16-25-19, Code of Alabama, 1975, so as to expand the board of control of the Teachers' Retirement System from 13

to 14 members and to specify that the additional member shall be from the ranks of "retired members."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 121. Health.

S. 14. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Little:

S. 223. To amend Section 41-19-10 of the Code of Alabama 1975, relating to operation plans or budget management by state agencies/departments generally, so as to provide further for such budget management.

Also:

By Senator Smith (J):

S. 99. To amend Section 15-22-27, Code of Alabama 1975, to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 223. Ways and Means.

S. 99. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 164. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to increase the penalty for failure to maintain such records.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 164. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 114. Relating to the licensing of real estate brokers and salesmen; to amend Section 34-27-35 of the Code of Alabama 1975 so as to provide for certain, continuing education requirements for license renewal.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 114. Public Utilities and Transportation.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 242. To amend Section 9-17-106 of the Code of Alabama 1975, relating to liquefied petroleum gas permit fees so as to increase the amount of permit fees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 242. Public Utilities and Transportation.

ADJOURNMENT

On motion of Rep. Johnson (RW), the House adjourned until 10:00 o'clock a.m., Thursday, February 27, 1986.

Yeas 44; Nays 37.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Crow, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Holmes, Hooper, Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McKee, Melton, Newton, Parker, Rains, Reed, Rice, Richardson, Sasser, Seibels, Spratt, Thomas, Trammell and White (L).

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Nays:

Reps. Bachus, Britnell, Brooks, Browder, Bugg, Burke, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Fuller, Grouby, Hall, Hammett, Harper, Holley, Johnson (RG), Junkins, Laird, Marietta, Newman, Nicholson, Payne, Perdue, Poole, Pratt, Smith, Starkey, Starr, Turner, Venable, Warren, White (G) and Zoghby.

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FIFTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 27, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Bill Butler, First Baptist Church of Dora, Dora, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Rep. Moore, due to illness.

BILLS ON SECOND READING

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 658. To amend Code of Alabama 1975, Section 7-9-307, so as to conform to the Federal Food Security Act of 1985, by adding new subsections (4) and (5) to provide for the protection of a secured party filing with the Secretary of State and to amend Code of Alabama 1975, Section 7-9-407, so as to conform to the Federal Food Security Act of 1985, by adding new subsections (3), (4), (5) and (6); to enable and require the Secretary of State to develop and implement a central indexing system, a list of buyers of farm products, commission merchants and selling agents; to provide for a distribution of such listing; and to require oral confirmation of the filing of the form prescribed in Section 7-9-307(4).

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 581. To amend Section 37-6-18(b) so as to establish the vote of members required in order to dissolve a cooperative.

H. 582. To amend Section 37-6-4 so as to allow a generating or transmission cooperative to use the word "power" in its name in lieu of the words "electric" or "cooperative."

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 19. To authorize the Etowah County Board of Health to designate the services rendered by the Etowah County Health Department for which a reasonable fee may be charged and to set and collect fees for each service.

H. 346. Proposing an amendment to the Constitution of Alabama of 1901 to prohibit annexation of territory within Etowah County by municipalities outside of the county without a vote of the people of Etowah County.

The above bill was read a second time at length as required by the Constitution.

H. 656. Relating to Clarke County; providing for the appointment of the county superintendent of education; providing for a referendum on the question of whether the electors of the county favor the appointment of the county superintendent of education.

H. 662. Relating to Pickens County, providing further for the procedure for selling and redeeming lands for taxes.

H. 663. Relating to Pickens County; providing further for the expense allowance and salary of the county coroner.

H. 659. To authorize the Tallapoosa County Board of Health to designate the services rendered by the Tallapoosa County Health Department for which a reasonable fee may be charged; to provide that the Tallapoosa County Board of Health shall be required to set a maximum fee for each service; to provide that the Tallapoosa County Health Department may charge and collect such fees; to provide that no citizen shall be deprived of any service because that person is unable to pay; and to provide for the allocation of all fees collected.

H. 660. Relating to Tallapoosa County; providing certain additional compensation for the members of the board of registrars for the duration of voter reassignment and providing for retroactive effect.

H. 661. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

H. 617. Relating to Lowndes County; providing for a chief clerk and clerk for the probate judge; and prescribing the duties and setting the salaries for such clerks; providing for the hiring of a part-time clerk; repealing Act No. 119, H. 115, of the 1978 Special Session (Acts 1978, p. 1835), Act No. 316, H. 719, of the 1939 Regular Session (Acts 1939, p. 205) and Act No. 40, H. 215 of the 1951 Regular Session (Acts 1951, p. 248).

H. 618. Relating to Lowndes County; suspending the implementation of the provisions of Act No. 85-740, H. 900, 1985 Regular Session, as amended by Act No. 85-827, S. 150, 1985 2nd Special Session, until January 1, 1987.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 254. COMMENDING THE WEDOWEE TRADE SCHOOL VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 255. COMMENDING THE WOODLAND VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 256. COMMENDING THE MOUNTAIN VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

Also:

By Rep. Laird:

H. R. 257. COMMENDING THE PINE GROVE VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CLAY COUNTY.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Onderdonk (With Notice and Proof):

H. 674. Relating to Washington County; providing a certain increase in compensation for the supernumerary tax collector in said county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 674, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Onderdonk:

H. 675. To amend Section 15-12-22, Code of Alabama 1975 to provide that counsel appointed to represent an indigent defendant may file a separate claim against the Fair Trial Tax Fund for services rendered and expenses incurred in connection with a petition for writ of certiorari filed in the Alabama Supreme Court; to establish a maximum amount which may be claimed for such services; and to provide an effective date.

Committee on Ways and Means.

By Rep. Laird:

H. 676. Relating to the tax levied on the leasing or rental of tangible personal property pursuant to section 40-12-222, Code of Alabama 1975, so as to provide that federal, state or local governmental entities, or their agencies, shall not pass on such tax to a subsequent lessee of such property as a cost of the lease or rental, and such tax shall not be included as a part of the gross proceeds from the lease or rental.

Committee on Small Business.

By Rep. Grouby (With Notice and Proof):

H. 677. Relating to Autauga County; to change the method of compensating the judge of probate; to fix such compensation; to provide that

fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 677, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rogers, Drake, Gray, Davis, Escott, McDowell, Boles, Payne, McNair, Pratt, Tanner, Spratt, Grouby, Perdue, Beers, White (G), Holley, Carter, Butler, Newton, Junkins, Holmes, Melton, Starkey, Hammett, Seibels, Fuller, Hooper, Martin, Faulk, Johnson (RW), Grayson, Goodwin, Dutton, Lindsey, Albright, Cosby, Turner, Zoghby, Onderdonk, Johnson (RG), Warren, White (F), Hall, Crow, Newman, Richardson, Burke, Parker, Lauderdale, Bowling, Kennedy, Buskey (JE), Blake, Preuitt, Rains, Venable, Adams, McMillan, Britnell, Nicholson, White (L), Beasley, Poole, Carothers, Brakefield, Bryant, Mikell, McKee, Buskey (JL), Mathis, Penry, Starr, Kvalheim, and Gaston:

H. 678. To provide that any person who has a prior conviction for certain offenses and who commits certain offenses against a person who is 65 years of age or older, or against a person who is blind, a paraplegic, or a quadriplegic, or against a person who is under the age of 14 years, shall be sentenced to an additional term of imprisonment.

Committee on Judiciary.

By Rep. Grouby:

H. 679. To amend Section 31-6-11, Code of Alabama 1975, relating to educational benefits for certain children or wives or widows of certain deceased or disabled veterans or prisoners of war, so as to further provide therefor.

Committee on Ways and Means.

By Reps. Coleman and Rains:

H. 680. To amend Section 16-13-120 of the Code of Alabama of 1975 pertaining to county boards of education and city boards of education so as to permit said boards of education to issue interest-bearing warrants payable from the proceeds of any ad valorem tax equivalent that is apportioned by local act of the Legislature of Alabama, and also to raise the maximum rate of interest to be borne by such warrants from 8% per annum to 12% per annum.

Committee on Education.

By Rep. Grouby:

H. 681. Proposing an amendment to the Constitution of Alabama of 1901 relative to the fees and compensation of the judge of probate of Autauga County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Perdue:

H. 682. To make certain findings respecting the need to grant to certain municipalities in the State of Alabama the power to provide certain types of assistance to new and expanding businesses seeking to finance the costs of capital improvements due to recent curtailments in the assistance provided to such businesses by the federal government and to propose a self-executing amendment to the Constitution of Alabama of 1901 which will permit municipalities in the State of Alabama with more than 100,000 residents according to the 1980 federal decennial census and certain related entities to guarantee or insure the payment of the principal of and the interest on certain types of revenue obligations, provide for the establishment of special trust funds from which moneys can be disbursed to discharge such obligations, specify certain conditions which must be satisfied before any such obligations can be incurred and provide for the establishment of special advisory committees to assist the governing bodies of such municipalities in determining whether or not to approve the undertaking of any such obligations.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Tanner and Trammell:

H. 683. To amend Sections 32-13-1 through 32-13-4, Code of Alabama 1975, so as to provide for and regulate further the sale of an abandoned motor vehicle, specifically providing further for notice to the owner, secured parties and lienholders of the intended sale of such vehicle and authorizing and providing for a court hearing to determine whether the vehicle is abandoned and should be sold.

Committee on Judiciary.

By Rep. Rogers:

H. 684. To amend Section 11-48-81(b), Code of Alabama 1975, relating to public improvements by the cities so as to reduce the number of written consent of the owner or owners from not less than 60 percent to not less than 55 percent of the frontage of the property affected.

Committee on State Administration.

By Rep. Tanner:

H. 685. To provide for one additional district judgeship for Shelby County; to provide for the initial appointment and subsequent election of such judgeship No. 2; and to amend Section 12-17-61 of the Code of Alabama 1975 so as to provide for two district court judges for Shelby County.

Committee on Ways and Means.

By Rep. Browder:

H. 686. Relating to elections, to establish, operate and maintain a statewide voter file maintenance system as a service to boards of registrars, such system to provide to the boards of registrars a list of the names of persons who are no longer qualified to vote as provided by law; to amend Section 17-13-7, Code of Alabama 1975, to provide that results of elections be reported to the Secretary of State by precinct, and that the lists required by Section 17-13-6, Code of Alabama 1975, be sent to the Secretary of State;

to repeal laws in conflict with the provisions of this act and to specifically repeal Sections 17-7-16 and 17-7-17, Code of Alabama 1975; to provide that provisions of this act are supplemental to chapter 4, Title 17, Code of Alabama 1975; to provide for severability; and, to provide effective dates.

Committee on Constitution and Elections.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Parker:

H. R. 258. DESIGNATING FEBRUARY 28, 1986 AS TRIO DAY IN ALABAMA.

WHEREAS, the Special Programs for Students from Disadvantaged Backgrounds, commonly known as the TRIO Programs, are integral to the federal strategy aimed at advancing equal opportunity in postsecondary education; and

WHEREAS, the 1280 TRIO Programs—Educational Opportunity Centers, Special Services, Talent Search, Upward Bound and TRIO Staff Training—presently provide over 460,000 disadvantaged youth and adults the upward mobility afforded by higher education; and

WHEREAS, TRIO Programs are targeted upon students whose family incomes fall below 150% of poverty where neither parent graduated from college; and

WHEREAS, 41% of TRIO students are black, 35% are white, 17% are Hispanic, 4% are American Indian, and 3% are Asian; and

WHEREAS, the TRIO Programs are an important retention mechanism for physically handicapped students in higher education, currently serving over 14,000 disabled students; and

WHEREAS, TRIO Programs have a record of success in providing students information about college, motivating them to attend college and enabling them to succeed in college; and

WHEREAS, the TRIO Programs in the last two decades have produced hundreds of thousands of educational success stories including two Rhodes Scholars and the first Hispanic astronaut; and

WHEREAS, absent action by the Congress, the Gramm-Rudman-Hollings legislation will eliminate 38,500 students from the TRIO programs in Fiscal 1986, and an additional 123,400 students in Fiscal 1987; and

WHEREAS, absent action by the Congress, over 300 colleges and universities will lose TRIO Programs as a result of the Gramm-Rudman-Hollings legislation by Fiscal 1987; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That February 28, 1986, is hereby designated as TRIO Day in Alabama, a day on which our state is asked to turn its attention to the needs of disadvantaged young people and adults aspiring to improve their lives, to the investment necessary if they are to become contributing citizens of this county, and to the talent which will be wasted if that investment is not made.

On motion of Rep. Parker, the rules were suspended and the resolution, H. R. 258, was adopted.

Also:

By Reps. Carothers, Mathis and Beasley:

H. J. R. 259. CONGRATULATING NORTHVIEW HIGH SCHOOL, DOTHAN, ALABAMA, 1985 STATE 6-A FOOTBALL CHAMPIONS.

WHEREAS, it is with highest commendation that the Alabama Legislature extends congratulations to Coach Harry Wayne Parrish and his Northview Cougars as our State 6-A Football Champions for 1985; and

WHEREAS, following a 6-4 regular season record, including three victories over teams ranked in the top ten, the Cougars headed to Northview's third State Playoff as runner-up to the Area 5, Class 6-A Title; and

WHEREAS, falling as victims to Northview's determination, poise and commanding ability were state rivals Opelika (23-17), Phenix City (10-0), Robert E. Lee of Montgomery (28-27), and Fairhope in the Semifinals (17-14) to move up to the Championship Game in Birmingham's Legion Field; and

WHEREAS, the Northview Cougars, in the Title tilt against Huffman High School and in Viking territory, proceeded to blast their way to a 32-15 win and the 1985 State 6-A Championship; and

WHEREAS, Coach Parrish and his talented staff and the entire Cougar line-up are indeed to be commended as Alabama's most outstanding high school football team; and

WHEREAS, also sharing the credit and glory for the Cougar's spectacular season are the Northview varsity cheerleaders and Majorettes, the Cougar Girls, and the Cougar Marching Band and Flag Corps for their support and encouragement all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most heartily congratulate Coach Harry Wayne Parrish and his staff and the 1985 State Champion Cougars of Dothan's Northview High School.

BE IT FURTHER RESOLVED, That in token of our sincere praise and regard, copies of this resolution shall be forwarded to Northview High School for appropriate presentation and display.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 259, was adopted.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 3:00 o'clock p.m., Tuesday, March 4, 1986.

RESOLUTION

The following resolution was introduced:

By Reps. Cosby, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks,

Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 260. COMMENDING THARPE FORRESTER FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the retirement of Tharpe Forrester on December 31, 1985, brought to a close a distinguished career of 39 years to the State of Alabama and 28 years to the state Department of Insurance; and

WHEREAS, a lifelong resident of Alabama, Mr. Forrester graduated from the University of Alabama with a B.S. Degree in Business Administration; served in World War II in the United States Army Air Corps from 1941-45, and further served his country as a Captain in the Adjutant General Corps of the United States Army Reserves; and

WHEREAS, he was first employed by the Department of Industrial Relations as assistant personnel officer and statistician from 1947 until 1957; and

WHEREAS, Mr. Forrester transferred to the Department of Insurance in 1957, and in 1961, was promoted to Deputy Commissioner of Insurance, Property and Casualty Division; and

WHEREAS, on May 19, 1980, Governor Fob James appointed Mr. Forrester Commissioner of Insurance, in which capacity he served until January 1983, at which time he returned to his merit system position as Deputy Commissioner; and

WHEREAS, Governor George C. Wallace, on June 6, 1984, placed his confidence in Mr. Forrester's proficiency by naming him Commissioner of Insurance, the position he held until his retirement from state government on December 31, 1985; and

WHEREAS, during his tenure with the Department of Insurance, Mr. Forrester was active in the affairs of the National Association of Insurance Commissioners, having served as a member of that group's Executive Committee and as vice-chairman of zone II, a 12-state regional entity of the Association; as chairman of the Personal Lines-Property and Casualty Insurance Committee; and a member of several sub-committees of the Association; and

WHEREAS, Mr. Forrester was helpful in establishing the Alabama Underwriting Association to provide insurance coverage to high risk beach property, the only such plan in the nation established on a voluntary basis; claims of millions of dollars have been paid by the Association following hurricanes; and

WHEREAS, instrumental in the passage and implementation of the acts establishing Life and Property and Casualty Guaranty Fund Associations to

protect Alabama's policyholders from the insolvency of licensed companies, Mr. Forrester also helped establish model regulations governing the marketing of certain life insurance products that have been adopted for use by numerous other state insurance departments, and he initiated and implemented the computerization of all records and continuing functions of the state Department of Insurance; and

WHEREAS, Mr. Forrester, a member of Sigma Nu Fraternity, is a member of the University of Alabama Commerce Executive Society and served on the Insurance Planning Commission for the University of Alabama's Department of Insurance of the School of Commerce and Business Administration; and

WHEREAS, Mr. Forrester, a member of First Baptist Church of Montgomery, is a member and past president of the Montgomery Exchange Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Mr. Tharpe Forrester for outstanding achievement and express our deepest gratitude for his contributions to the insurance business in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Forrester in small token of our utmost regard.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 260, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 48.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to S. B. 48, was adopted.

Yeas 64; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Crow, Davis, Dutton, Faulk, Fuller, Gaston, Goodwin, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McMillan, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—64

Nays: Reps. Butler and Rice. —2

And the bill:

S. 48. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as

provided in Sections 34-31-18 through 34-31-34 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-31-21 and 34-31-28, so as to provide further for persons who may be certified without having to be examined by the board; and to authorize the board to adopt minimum repair and service standards or criteria for its registered contractors; and to provide for misdemeanor penalty for noncompliance.

Was read a third time at length and passed.

Yeas 79; Nays 1.

Mr. Speaker, Adams, Albright, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Turner, Venable, White (G), White (L) and Zoghby.

—79

Nay: Rep. Rice. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 49.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to S. B. 49, was adopted.

Yeas 77; Nays 1.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—77

Nay: Rep. Butler. —1

S. 49 TEMPORARILY POSTPONED

On motion of Rep. Rice, the bill, S. 49, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 50.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to S. B. 50, was adopted.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Carothers, Clark (D), Coleman, Crow, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holmes, Johnson (RG), Junkins, Kennedy, Laird, Lauderdale, Martin, Mathis, McDowell, McKee, Melton, Mikell, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Spratt, Starr, Trammell, Turner, Venable and White (G).

—54

Nay: Rep. Butler. —1

And the bill:

S. 50. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners as provided in Sections 34-9-40 through 34-9-47 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Hall, Harper, Harvey, Holmes, Johnson (RG), Junkins, Kennedy, Lauderdale, Marietta, Martin, Mathis, McDowell, McKee, McNair, Melton, Mikell, Nicholson, Parker, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, White (L) and Zoghby.

—70

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 51.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to S. B. 51, was adopted.

Yeas 67; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Carothers, Clark (D), Cosby, Crow, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Holmes, Johnson (RG), Kennedy, Lauderdale, Marietta, Martin, Mathis, McDowell, McKee, Melton, Mikell, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, White (L) and Zoghby.

—67

Nays: Reps. Butler and Campbell. —2

And the bill:

S. 51. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board as provided in Sections 9-17-1 through 9-17-32 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 74; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Trammell, Turner, Venable, White (G), White (L) and Zoghby.

—74

Nay: Rep. Campbell. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 55.

BUDGET ISOLATION RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Marietta, consideration of the Budget Isolation Resolution relating to S. B. 55, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 56.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to S. B. 56, was adopted.

Yeas 52; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Boles, Brakefield, Brooks, Bugg, Burke, Campbell, Carothers, Clark (D), Dutton, Escott, Flowers, Gaston, Gray, Grayson, Hall, Hettinger, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, Mikell, Mitchell, Newman, Nicholson, Parker, Payne, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Spratt, Starkey, Trammell, Turnham, Venable, White (F), White (L) and Zoghby.

—52

Nay: Rep. Butler. —1

And the bill:

S. 56. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Radiation Control Agency and the Radiation Advisory Board as provided in Sections 22-14-1 through 22-14-35 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Crow, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—73

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 445.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to S. B. 445, was adopted.

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Britnell, Brooks, Bugg, Burke, Buskey (JL), Carothers, Clark (D), Crow, Dutton, Faulk, Flowers, Ford, Goodwin, Hall, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McMillan, Melton, Mikell, Newman, Nicholson, Parker,

Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Starkey, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—55

Nay: Rep. Butler. —1

MOTION TO POSTPONE TABLED

On motion of Rep. Marietta, the motion offered by Rep. Adams to temporarily postpone consideration of the bill, S. 445, was tabled.

Yeas 52; Nays 30.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Goodwin, Hall, Hettinger, Kennedy, Lauderdale, Marietta, Martin, McDowell, McNair, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Pratt, Reed, Rice, Rogers, Seibels, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham and Zoghby.

—52

Nays:

Reps. Bachus, Beasley, Britnell, Brooks, Burke, Butler, Clark (J), Coleman, Gaston, Harper, Harvey, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Payne, Penry, Preuitt, Rains, Richardson, Sasser, Smith, Starr and White (G).

—30

And the bill:

S. 445. Relating to the Alabama Sunset Law; to continue until October 1, 1987, the existence and functioning of the Alabama Surface Mining Commission as provided in Sections 9-16-70 through 9-16-107, to amend Sections 9-16-73, 9-16-74, 9-16-78, 9-16-85, and 9-16-88, Code of Alabama 1975 so as to provide that the rules and regulations of the commission shall not be more stringent than those promulgated by federal statute, rule or regulation; to create a legislative oversight committee and to provide for the duties, composition, meetings and compensation of members of the committee; to require the director of the commission to have knowledge of state and federal surface mining laws, rules and regulations; to provide for a technical assistant for the commission and to provide for his duties and salary; to require permits and licenses to be issued more promptly; It is further provided that the commission shall be reviewed by the Sunset Committee in the interim between the 1986 and 1987 Regular Legislative Sessions and that said commission shall be terminated effective October 1, 1987, unless a Sunset bill passes at the 1987 Regular Session to continue the commission.

Was taken up.

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, S. 445:

Amend H. B. 445 on page 7, line 24, Section 3(k) by adding a new sentence after the words "and regulations." as follows:

The committee shall be limited to 10 meeting days and shall be compensated only when a quorum is present.

Further amend by deleting subsection (1) beginning on line 25, page 7 in its entirety.

MOTION TO TABLE

Rep. Marietta offered the motion to table the amendment offered by Rep. Venable to the bill, S. 445.

SUBSTITUTE MOTION TABLED

On motion of Rep. Marietta, the substitute motion offered by Rep. Butler to extend debate on the bill, S. 445, for one hour, was tabled.

Yeas 62; Nays 26.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Kvalheim, Lauderdale, Martin, Mathis, McDowell, McMillan, Mitchell, Newman, Newton, Nicholson, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Tanner, Trammell, Turner, Warren, White (F) and White (L).

—62

Nays:

Reps. Adams, Albright, Bachus, Beasley, Bugg, Burke, Butler, Coleman, Dutton, Grouby, Hammett, Junkins, Laird, Lindsey, McKee, Melton, Mikell, Onderdonk, Payne, Penry, Rains, Smith, Starr, Turnham, White (G) and Zoghby.

—26

AMENDMENT TABLED

The question was then on the motion offered by Rep. Marietta to table the amendment offered by Rep. Venable to the bill, S. 445, and the amendment was tabled.

Yeas 61; Nays 31.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (D), Clark (W), Coburn, Crow, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hettinger, Holley, Holmes, Kvalheim,

Lauderdale, Marietta, Martin, McDowell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Warren, White (F) and White (L).

—61

Nays:

Reps. Adams, Bachus, Beasley, Britnell, Brooks, Burke, Butler, Carter, Coleman, Cosby, Hammett, Harvey, Johnson (RG), Junkins, Laird, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Payne, Penry, Preuitt, Rains, Rice, Smith, Starr, Venable, White (G) and Zoghby.

—31

And the bill, S. 445, was read a third time at length and passed.

Yeas 79; Nays 14.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Junkins, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—79

Nays:

Reps. Adams, Bachus, Beasley, Cosby, Hammett, Laird, McKee, McMillan, Melton, Penry, Preuitt, Smith, Starr and Venable.

—14

S. 49 TAKEN UP

And the bill:

S. 49. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Foresters as provided in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-12-5, 34-12-6, 34-12-8, 34-12-9, 34-12-30, 34-12-32 and 34-12-36, so as to increase annual license issuance fees; increase examination fees; increase annual notification of renewal license fees; increase reissuance or reinstatement of license fees; rename Alabama chapter the Alabama "Division"; increase per diem allowances for meeting days of board members; and to require bonding of certain officers of the board.

Which previously was temporarily postponed, was taken up.

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, S. 49:

Amendment to Senate Bill 49, as follows:

On page 2, Section 3, line 28, after the word "exceed" by striking ~~$100.00~~ and inserting in lieu thereof $50.00

On page 3, Section 3, line 8, after the figure "$5.00" by striking ~~$50.00~~ and inserting in lieu thereof $25.00

On page 3, Section 3, line 22, after the word "exceed" by striking ~~$100.00~~ and inserting in lieu thereof $50.00

On page 5, Section 3, line 9, after the word "exceed" by striking ~~$25.00~~ and inserting in lieu thereof $12.50

AMENDMENT TABLED

On motion of Rep. Marietta, the amendment offered by Rep. Laird to the bill, S. 49, was tabled.

Yeas 55; Nays 21.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Harper, Harvey, Hettinger, Holmes, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McMillan, Mitchell, Newman, Onderdonk, Parker, Penry, Perdue, Preuitt, Reed, Richardson, Sasser, Starkey, Tanner, Thomas, Trammell, Turner, Warren, White (F) and Zoghby.

—55

Nays:

Reps. Bachus, Brooks, Bugg, Burke, Butler, Cosby, Faulk, Hall, Holley, Johnson (RG), Junkins, Lindsey, Melton, Mikell, Payne, Poole, Rains, Rice, Seibels, Venable and White (L).

—21

And the bill, S. 49, was read a third time at length and passed.

Yeas 72; Nays 9.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Crow, Dutton, Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—72

Nays:

Reps. Coleman, Cosby, Hall, Holley, Johnson (RW), Junkins, Laird, Mikell and Rains.

—9

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to S. B. 55, was adopted.

Yeas 75; Nays 3.

Yeas:

Reps. Adams, Beasley, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Clark (D), Clark (J), Coburn, Cosby, Crow, Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Mitchell, Newton, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

Nays: Reps. Butler, Hall and Junkins. —3

And the bill:

S. 55. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board of General Contractors as provided in Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-24, so as to provide that application fees for licenses will be nonrefundable and to provide further for meetings of the board.

Which previously was temporarily postponed, was taken up.

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, S. 55:

On line 27, page 4 after the word "quorum" add the following:

"Any meetings held outside the City of Montgomery shall be advertised once a week for two successive weeks in a newspaper of general circulation in the City of Montgomery prior to said meeting."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yeas:

Reps. Adams, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JL), Butler,

Campbell, Carothers, Clark (D), Clark (J), Cosby, Crow, Dutton, Ford, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Newton, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—76

And the bill, S. 55 as thus amended, was read a third time at length and passed.

Yeas 71; Nays 2.

Yeas:

Reps. Adams, Bachus, Beasley, Biddle, Black, Blake, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, Melton, Newton, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—71

Nays: Reps. Hall and Johnson (RG). —2

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Flowers, Budget Isolation Resolution relating to H. B. 524, was adopted.

Yeas 51; Nays 1.

Yeas:

Mr. Speaker, Beasley, Biddle, Blake, Bowling, Brakefield, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Clark (D), Clark (W), Coburn, Flowers, Gaston, Goodwin, Grayson, Hammett, Harvey, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McMillan, Mikell, Mitchell, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Reed, Rice, Sasser, Seibels, Starkey, Starr, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—51

Nay: Rep. Holley. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 524. Relating to Pike County; to provide for the election of members of the county commission; to adopt new districts; and to repeal all conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Reed, Rice, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—72

BUDGET ISOLATION RESOLUTION

On motion of Rep. Sasser, Budget Isolation Resolution relating to H. B. 555, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Bowling, Britnell, Brooks, Butler, Carter, Clark (D), Coburn, Cosby, Dutton, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Preuitt, Rice, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 555. To authorize the Dale County Board of Health to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Board of Health of Dale County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Blake, Bowling, Brakefield, Britnell, Brooks, Bryant, Buskey (JE), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Sasser, Smith, Spratt, Starkey, Starr, Turner, Turnham, Venable, White (L) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution relating to H. B. 571, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harvey, Holley, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Mitchell, Penry, Poole, Pratt, Preuitt, Rice, Sasser, Smith, Spratt, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (L) and Zoghby.

—59

And the bill:

H. 571. To provide for the filing for record and the preservation of all orders and decrees made and entered by any Judge of the Circuit Court of the 39th Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Dutton, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Holley, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McMillan, Melton, Mikell, Mitchell, Penry, Poole, Pratt, Preuitt, Reed, Rice, Sasser, Smith, Spratt, Starkey, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Sasser, Budget Isolation Resolution relating to H. B. 578, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Brakefield, Brooks, Bryant, Butler, Carothers, Clark (D), Dutton, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McKee, McMillan, Melton, Mikell, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—54

And the bill:

H. 578. To further authorize and provide for the establishment, maintenance, operation, and financing of a public law library in Dale County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Brakefield, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Clark (D), Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hooper, Budget Isolation Resolution relating to H. B. 538, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Black, Blakeney, Brakefield, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Carter, Clark (D), Cosby, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Kvalheim, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—57

H. 538 CONTESTED

Rep. Holmes challenged the bill, H. 538, as a contested local bill.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hooper, Budget Isolation Resolution relating to H. B. 591, was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Brakefield, Brooks, Bryant, Buskey (JL), Carothers, Carter, Clark (D), Coleman, Cosby, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Kvalheim, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Parker, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—57

H. 591 CONTESTED

Rep. Holmes challenged the bill, H. 591, as a contested local bill.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starr, Budget Isolation Resolution relating to H. B. 594, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Bowling, Brakefield, Brooks, Bryant, Buskey (JL), Butler, Carter, Clark (D), Clark (J), Coburn, Cosby, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (RG), Junkins, Kvalheim, Lauderdale, Marietta, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Rains, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, White (G), White (L) and Zoghby.

—53

And the bill:

H. 594. Relating to Montgomery County; to establish a Retired Employees' Death Benefit Fund on behalf of the retired members of the Montgomery County Retirement System; provide for claims; provide for funding and provide for beneficiary changes associated with the Death Benefit Fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Cosby, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kvalheim, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Mikell,

Parker, Penry, Poole, Pratt, Rains, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turnham, Venable, White (G), White (L) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bowling, Budget Isolation Resolution relating to S. B. 60, was adopted.

Yeas 64; Nays 0.

Yeas:

Reps. Adams, Bachus, Beasley, Blakeney, Boles, Bowling, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—64

And the bill:

S. 60. Relating to Cullman County; to amend further Act No. 711, H. 1109, Regular Session 1976 (Acts 1976, p. 991), as amended by Act No. 81-1037, H. 38, Second Special Session 1981 (Special Session Acts 1981, p. 237), and Act No. 85-886, H. 13, Regular Session 1985, which act charges a court cost in criminal cases to be remitted to the juvenile probation fund and the county sheriff's office, so as to charge an additional $3.00 court cost on each criminal case in the county, the proceeds to be earmarked for juvenile programs, and expenses and subsistence for the juvenile probation officer's office, to specifically repeal Act 85-886, H. 13, 1985 Regular Session, and to provide that this act shall be retroactively effective to September 19, 1985.

Was read a third time at length and passed.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blakeney, Bowling, Britnell, Brooks, Bryant, Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Rains, Reed, Rice, Richardson, Seibels, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—61

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to S. B. 63, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Bowling, Britnell, Bryant, Buskey (JL), Butler, Carothers, Clark (D), Coburn, Faulk, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Lauderdale, Marietta, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Reed, Rice, Rogers, Sasser, Smith, Starkey, Starr, Turnham, Warren, White (F), White (G) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 63. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of St. Florian in Lauderdale County.

Was read a third time at length and passed.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Biddle, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coburn, Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Rains, Reed, Rice, Richardson, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—61

BUDGET ISOLATION RESOLUTION

On motion of Rep. McMillan, Budget Isolation Resolution relating to S. B. 185, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Brakefield, Britnell, Brooks, Bryant, Carothers, Carter, Clark (W), Dutton, Faulk, Ford, Gaston, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, McKee, McMillan, Mikell, Parker, Poole, Pratt, Reed, Rice, Sasser, Smith, Spratt, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 185. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County; to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Gulf Shores.

Was read a third time at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blakeney, Bowling, Brakefield, Britnell, Brooks, Bryant, Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, McKee, McMillan, Mikell, Mitchell, Onderdonk, Parker, Penry, Poole, Pratt, Reed, Rice, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coleman, Budget Isolation Resolution relating to H. B. 561, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Bachus, Biddle, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, McKee, McMillan, Mikell, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—67

And the bill:

H. 561. To propose an amendment to the Constitution of Alabama of 1901 relating to Marshall County so as to prohibit annexation of territory within Marshall County by out of county municipalities without a vote of the people of Marshall County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blakeney, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (W),

Coburn, Coleman, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Lindsey, McKee, McMillan, Mikell, Mitchell, Newman, Onderdonk, Parker, Penry, Poole, Pratt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—69

BUDGET ISOLATION RESOLUTION

On motion of Rep. Beasley, Budget Isolation Resolution relating to H. B. 597, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Cosby, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, McMillan, Mikell, Onderdonk, Parker, Penry, Poole, Pratt, Rains, Reed, Rice, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—69

And the bill:

H. 597. Relating to Henry County; providing for an expense allowance for the County Superintendent of Education; repealing Act No. 81-262, H. 643 (Acts 1981, p. 343); and providing for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Cosby, Crow, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Onderdonk, Parker, Penry, Poole, Pratt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—71

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 600, was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Parker, Penry, Poole, Pratt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—65

And the bill:

H. 600. Relating to Chambers County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official and permanent records in Chambers County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Cosby, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Mathis, McMillan, Mikell, Parker, Penry, Poole, Pratt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—64

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rice, Budget Isolation Resolution relating to H. B. 622, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (D), Clark (W), Cosby, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, McMillan, Mikell, Parker, Penry, Poole, Pratt, Rice, Richardson, Sasser,

Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—64

And the bill:

H. 622. (With Amendment): Relating to Lee County; authorizing the county commission to establish fire districts and to provide fire fighting and fire prevention services for dwellings, commercial structures, field and forest lands through the use of volunteer fire departments in cooperation with the Alabama Forestry Commission; authorizing the county commission to assess the whole or a part of the costs thereof, within a prescribed limit, against said recipients; and prescribing the procedure for levying and collecting such assessments.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 622, page 3, Section 5, line 10 after the word "county" by striking ~~commisision~~ and inserting in lieu thereof the following: commission

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Rains, Rice, Richardson, Sasser, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—62

And the bill, H. 622 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Reed, Rice, Richardson, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—65

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bowling, Budget Isolation Resolution relating to H. B. 628, was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coburn, Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McMillan, Mikell, Mitchell, Parker, Payne, Penry, Poole, Pratt, Rains, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—63

And the bill:

H. 628. To alter, rearrange and extend the boundary lines and corporate limits of the City of Cullman, in Cullman County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coburn, Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Rains, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable and Zoghby.

—60

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hammett, Budget Isolation Resolution relating to H. B. 640, was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Johnson (RW), Kvalheim, Laird, Mathis, McMillan, Mikell, Parker, Penry, Poole, Pratt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—55

And the bill:

H. 640. Relating to Covington County, exempting rescue squads from any and all county or municipal sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Kennedy, Kvalheim, Laird, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—69

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rice, Budget Isolation Resolution relating to H. B. 643, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Burke, Carothers, Carter, Clark (D), Clark (W), Coburn, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McKee, McMillan, Melton, Mikell, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Turner, Turnham, Venable, White (F), White (G) and White (L).

—58

And the bill:

H. 643. Relating to Lee County, to provide further for a pistol permit fee in said county and the disposition and use of the proceeds of said fee, and to specifically repeal Act 972, H. 1407, Regular Session 1969 (Acts 1969, p. 1718), as amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Cosby, Dutton, Faulk, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McKee, McMillan, Mikell, Parker, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—63

H. 538 TAKEN UP

And the bill:

H. 538. To authorize the City of Montgomery, Montgomery County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty,

unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Which previously was carried over as a contested local bill, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Cosby, Dutton, Faulk, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lauderdale, Mathis, McKee, McMillan, Melton, Mikell, Parker, Penry, Poole, Pratt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—64

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 261. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES THAT upon reaching bills on third reading, the following bills in the order named shall be made the special order of business on Thursday, February 27, 1986:

Bill No.	Page	Sponsor	Short Title
Unfinished business:			
H. 196	6	Campbell	Organ Procurement Act
H. 456	69	Carter	Fraudulent leasing
H. 290	14	Richardson	Fireworks; definitions redefined
H. 587	75	Campbell	Oil & gas drilling areas
H. 206	13	Rice	ABC laws updated
H. 518	78	Johnson (Roy)	Extensions of credit regulated
H. 499	59	Starkey	Ala. Rapid Rail Transit Comm.
H. 45	79	White (L)	Handicapped parking; decals
H. 305	49	Coleman	Boards of education; civil actions

H. 366	40	Grouby	Probate judges' fees
H. 531	60	Holley	County engineers
H. 322	36	Adams	School boards; liability insurance provided
H. 444	45	Boles	C.A.; establishing regulatory commission; legislative retirement
H. 228 (w/amdt.)	39	Turner	Redefine the term telephone business
H. 539	69	Onderdonk	Amends Uniform Transfer to Minor Act
H. 170	22	Pratt	Interstate Compact on Juveniles

MOTION TO ADOPT RESOLUTION

Rep. Clark (J) offered the motion to adopt the resolution, H. R. 261.

SUBSTITUTE OFFERED

Rep. Buskey (JE) offered the following substitute to the resolution, H. R. 261:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching bills on third reading, the following bills shall be made the special, paramount and continuing order of business on Wednesday, February 26, until such time as said bills are disposed of:

Bill No.	Page	Sponsor	Short Title
Unfinished business:			
H. 196	6	Campbell	Organ Procurement Act
H. 456	69	Carter	Fraudulent leasing
H. 290	14	Richardson	Fireworks; definitions redefined
H. 206	13	Rice	ABC laws updated
H. 518	78	Johnson (Roy)	Extensions of credit regulated
H. 499	59	Starkey	Ala. Rapid Rail Transit Comm.
H. 45	79	White (L)	Handicapped parking; decals
H. 305	49	Coleman	Boards of education; civil actions
H. 366	40	Grouby	Probate judges' fees
H. 531	60	Holley	County engineers
H. 322	36	Adams	School boards; liability insurance provided
H. 444	45	Boles	C.A.; establishing regulatory commission; legislative retirement
H. 228 (w/amdt.)	39	Turner	Redefine the term telephone business

H. 539	69	Onderdonk	Amends Uniform Transfer to Minors Act
H. 170	22	Pratt	Interstate Compact on Juveniles

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Grayson that the House adjourn until 3:00 o'clock p.m., Tuesday, March 4, 1986, was lost.

Yeas 26; Nays 55.

Yeas:

Reps. Bachus, Black, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Coburn, Dutton, Grayson, Lauderdale, Lindsey, Mikell, Mitchell, Newton, Onderdonk, Parker, Perdue, Preuitt, Reed and Sasser.

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Nays:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Britnell, Browder, Burke, Butler, Campbell, Carothers, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Marietta, Martin, Mathis, McMillan, Newman, Nicholson, Penry, Poole, Pratt, Rice, Richardson, Seibels, Smith, Starkey, Turner, Turnham, Warren, White (F), White (L) and Zoghby.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 61. To amend Section 29-1-22, Code of Alabama 1975, which provides for legislative funding, so as to provide further for said funding.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 61. Ways and Means.

H. R. 261 RESUMED

The question was then on the substitute offered by Rep. Buskey (JE), to the resolution, H. R. 261.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the substitute offered by Rep. Buskey (JE) to the resolution, H. R. 261:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That upon reaching bills on third reading, the following bills shall be made the special, paramount and continuing order of business on Wednesday, February 26, until such time as said bills are disposed of:

Bill No.	Page	Sponsor	Short Title
Unfinished business:			
H. 196	6	Campbell	Organ Procurement Act
H. 587	75	Campbell	Oil & gas drilling
H. 456	69	Carter	Fraudulent leasing
H. 290	14	Richardson	Fireworks; definitions redefined
H. 206	13	Rice	ABC laws updated
H. 518	78	Johnson (Roy)	Extensions of credit regulated
H. 499	59	Starkey	Ala. Rapid Rail Transit Comm.
H. 45	79	White (L)	Handicapped parking; decals
H. 305	49	Coleman	Boards of education; civil actions
H. 366	40	Grouby	Probate judges' fees
H. 531	60	Holley	County engineers
H. 322	36	Adams	School boards; liability insurance provided
H. 444	45	Boles	C.A.; establishing regulatory commission; legislative retirement
H. 228 (w/amdt.)	39	Turner	Redefine the term telephone business
H. 539	69	Onderdonk	Amends Uniform Transfer to Minors Act
H. 170	22	Pratt	Interstate Compact on Juveniles

SUBSTITUTE TABLED

On motion of Rep. Buskey (JE), the substitute offered by Rep. Harper was tabled.

Yeas 50; Nays 39.

Yeas:

Reps. Adams, Bachus, Black, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Cosby, Flowers, Gaston, Grayson, Grouby, Hammett, Holmes, Kennedy, Kvalheim, Laird, Lindsey, Marietta, Mathis, McDowell, Melton, Mikell, Mitchell, Newton,

Onderdonk, Perdue, Pratt, Preuitt, Reed, Rice, Richardson, Seibels, Spratt, Starr, Thomas, Trammell, Turner, Turnham, White (F), White (G) and Zoghby.

—50

Nays:

Mr. Speaker, Albright, Beasley, Biddle, Blake, Britnell, Browder, Burke, Campbell, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Hall, Harper, Harvey, Holley, Johnson (RG), Junkins, Lauderdale, Martin, McMillan, Newman, Nicholson, Parker, Penry, Poole, Rogers, Starkey, Tanner, Warren and White (L).

—39

The question was then on the substitute offered by Rep. Buskey (JE) to the resolution, H. R. 261.

MOTION TO TABLE

Rep. Harper offered the motion to table the substitute offered by Rep. Buskey (JE) to the resolution, H. R. 261.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Melton that the House adjourn until 3:00 o'clock p.m., Tuesday, March 4, 1986, was lost.

Yeas 25; Nays 60.

Yeas:

Reps. Black, Box, Brakefield, Bryant, Buskey (JE), Clark (D), Clark (W), Dutton, Goodwin, Grayson, Hammett, Kennedy, Lauderdale, McKee, Melton, Mikell, Newton, Onderdonk, Perdue, Preuitt, Rains, Reed, Sasser, Spratt and White (F).

—25

Nays:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Britnell, Brooks, Browder, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Grouby, Hall, Harper, Harvey, Holley, Holmes, Johnson (RG), Junkins, Kvalheim, Laird, Marietta, Martin, Mathis, McMillan, Newman, Nicholson, Parker, Penry, Poole, Pratt, Rice, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—60

MOTION TO TABLE LOST

The question was then on the motion offered by Rep. Harper to table the substitute offered by Rep. Buskey (JE) to the resolution, H. R. 261, and the motion to table was lost.

Yeas 38; Nays 45.

Yeas:

Mr. Speaker, Beasley, Blake, Brakefield, Britnell, Browder, Campbell, Clark (D), Clark (J), Coburn, Coleman, Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin,

Hall, Harper, Harvey, Holley, Johnson (RG), Junkins, Martin, Mathis, McMillan, Newman, Nicholson, Parker, Penry, Poole, Richardson, Rogers, Starkey, Tanner, Warren and White (L).

—38

Nays:

Reps. Adams, Black, Blakeney, Boles, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Flowers, Gaston, Grayson, Grouby, Hammett, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, McDowell, McKee, Melton, Mikell, Mitchell, Newton, Onderdonk, Perdue, Reed, Rice, Seibels, Smith, Spratt, Starr, Thomas, Turner, Turnham, White (F) and Zoghby.

—45

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Buskey (JE) to the resolution, H. R. 261, and the substitute was adopted.

Yeas 48; Nays 45.

Yeas:

Reps. Adams, Black, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Escott, Flowers, Gaston, Grayson, Hammett, Kennedy, Kvalheim, Laird, Lindsey, Marietta, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Newton, Onderdonk, Perdue, Preuitt, Reed, Rice, Seibels, Spratt, Starr, Thomas, Turner, Turnham, White (F), White (G) and Zoghby.

—48

Nays:

Mr. Speaker, Albright, Beasley, Biddle, Blake, Britnell, Browder, Burke, Campbell, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Ford, Fuller, Goodwin, Hall, Harper, Harvey, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Lauderdale, Martin, Mathis, Newman, Parker, Penry, Poole, Pratt, Richardson, Rogers, Smith, Starkey, Tanner, Trammell, Warren and White (L).

—45

And the resolution, H. R. 261 as amended, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to H. B. 196, was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler,

Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Ford, Goodwin, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (RW), Junkins, Kvalheim, Lindsey, Martin, Mathis, McMillan, Melton, Mikell, Newman, Newton, Parker, Perdue, Preuitt, Reed, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turnham, White (F), White (G), White (L) and Zoghby.

—60

And the bill:

H. 196. Relating to "The Lifesaving Organ Procurement Act of 1986", to state the Legislative intent; to define the word "organ" and "attending physician", to better provide for the public health by providing that on the occurrence of death of a patient in a hospital, who has not made an anatomical gift to take place upon death, the hospital administrator, or designated representative to request, of specified survivors, in accordance with Section 22-19-42 (b), Code of Alabama, 1975, in the order of priority stated, and when persons in prior classes are not available at the time of death, and in the absence of actual notice to the contrary by the decedent or one in a prior class, to consent to the gift of organs of the decedent's body; to provide such request and its disposition shall be noted in the patient's medical record; to provide, where, based upon medical criteria that such a request would not yield an anatomical gift which would be suitable for use, or, where, based upon the special and peculiar knowledge of the attending physician and/or concerning the circumstances surrounding the death of the patient, there is an exception to the request required by this Article and such determination shall be noted in the patient's medical record; to provide for immunity from civil damages or criminal prosecution to any person who acts in good faith accord; and to provide that the provisions of this Article are cumulative and, insofar as possible, shall be construed in pari materia with other laws relating to the public health and anatomical gifts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Faulk, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lindsey, Martin, McDowell, Melton, Mikell, Newman, Newton, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—72

Nay: Rep. Boles. —1

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution relating to H. B. 456, was adopted.

Yeas 76; Nays 0.

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Hettinger, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McMillan, Melton, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—76

And the bill:

H. 456. (With Substitute): To create the crime of theft by fraudulent leasing or rental of property from a person licensed to lease personal property where the lessee gives a false or fictitious name or address, or where the lessee fails to return the leased property to the place or within the time specified in the rental agreement; to provide for making a demand on the lessee to return the leased property within a specified time, and to provide that a failure to return the leased property within the specified time, after demand, shall constitute prima facie evidence that the leasing or rental of the property was fraudulent, and that lessee intended, knew or expected that he would not perform the terms of the rental agreement at the time it was made; and to provide that the fraudulent leasing or rental of property having a value of $100.00 or less shall be a Class A misdemeanor, and if property has a value of $100.00 or more, the fraudulent leasing or rental shall be a Class C felony.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To create the crime of theft by fraudulent leasing or rental of property from a person licensed to lease personal property where the lessee gives a false or fictitious name or address, or where the lessee fails to return the leased property to the place or within the time specified in the rental agreement; to provide for making a demand on the lessee to return the leased property within a specified time, and to provide that a failure to return the leased property within the specified time, after demand, shall constitute prima facie evidence that the leasing or rental of the property was fraudulent, and that lessee intended, knew or expected that he would not perform the terms of the rental agreement at the time it was made; provide that the fraudulent leasing or rental of property having a value of $100.00 or less shall be a Class A misdemeanor, and if property has a value of $100.00 or more, the fraudulent leasing or rental shall be a Class C felony, and to repeal Section 8-1-64, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The crime of theft by fraudulent leasing or rental of property is committed if a person, herein called "lessee", signs a written lease or

rental contract with a person licensed to rent or lease tangible personal property under the provisions of Article 4, Chapter 12, Title 40, Code of Alabama, 1975, herein called "lessor", and obtains or exerts control over tangible personal property by reason of such rental contract, with the intent, knowledge or expectation that he will not perform the terms, covenants and agreements of the lessee provided in such rental contract.

Section 2. For the purposes of section 1 of this act, it is prima facie evidence that a lessee fraudulently leased or rented property, and intended, knew or expected that he would not perform the terms and obligations of the lessee under a rental contract if:

A. The name or address of the lessee appearing on the written agreement shall, at the time it is signed, be false or fictitious, and if the lessee fails to return the leased property to the lessor within seven (7) days after lessor makes written demand for its return, notwithstanding that the term under the rental contract has not expired; or

B. The rental contract provides for the return of the leased property to a particular place, at a particular time, and the lessee shall fail to return the leased property to the place and within the time specified in the said rental contract, and the lessor thereafter makes written demand for the return of the leased property to the place specified in the rental contract within forty-eight (48) hours from the time the written demand is delivered to the lessee, and the lessee fails to return said property to the lessor within the said 48 hour period; or

C. A lessee obtains or exerts control over personal property by executing a rental contract which provides for the return of said property to a particular place, or at a particular time, and thereafter abandons said property, secretes, converts, sells or attempts to sell the same or any part thereof.

Section 3. For the purposes of section 2 of this act:

A. A written demand for the return of leased property may be made by personally delivering a copy thereof to the lessee; such demand may also be delivered to a lessee by certified United States mail, directed to lessee at his address shown on the rental contract, and the return receipt shall be deemed sufficient evidence that the demand was received by the lessee, on the date shown on the receipt.

B. The form of notice to be given under section 2 (A), shall be sufficient if substantially as follows:

"This statutory notice is provided pursuant to Section _____ of the Code of Alabama. You are hereby notified that the name or address given by you, as lessee, and appearing on the rental contract dated _____, wherein _____ is the lessor, was fictitious or false. Pursuant to Alabama law you have seven (7) days from receipt of this demand to return the property rented or leased under the said rental contract to the lessor at the place designated in the rental contract, and to pay all accrued lease or rental charges. Unless the said property is so returned, and accrued rental charges paid, all as provided by the said rental contract, within the time specified above, the lessor may assume that you leased the said property with intent, knowledge or expectation that you, as the lessee would not perform the terms, covenants and agreements appearing in the said rental contract at the time you executed the same, and, therefore that you intended to defraud the lessor. In such case the lessor

may turn over the rental contract and all other available information relating to this incident to the proper authorities for criminal prosecution."

C. The form of notice to be given under section 2 (B) above, shall be sufficient if substantially as follows:

"This statutory notice is provided pursuant to section _____ of the Code of Alabama. You are hereby notified that you have failed to return that certain personal property leased by you under a written rental contract dated _____, wherein _____ is the lessor, to the particular place or at the particular time provided by the said rental contract. Pursuant to Alabama law, you have forty-eight (48) hours from the receipt of this demand to return the leased property to the lessor at the address specified in the rental contract. Unless the said property is returned to the lessor at the address specified in the rental contract within the time specified above, the lessor may assume that at the time you entered into the said rental contract you intended, knew or expected that you would not perform the terms, covenants and agreements of the lessee thereunder, and that you intended to defraud the lessor. In such case the lessor may turn over the rental contract and all other available information relating to this incident to the proper authorities for criminal prosecution."

Section 4. Any lessor under a written lease or rental agreement having given notice in substantially similar form to that provided in this act shall be immune from civil or criminal liability for the giving of such notice and for proceeding under the forms of such notice.

Section 5. The crime of theft by fraudulent leasing or rental of property shall be a Class A misdemeanor if the subject matter of the lease or rental agreement had a value of $100.00 or less; if the value of such property was in excess of $100.00, the crime shall be a Class C felony.

Section 6. Section 8-1-64, Code of Alabama 1975, is hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McMillan, Melton, Mikell, Mitchell, Newman, Newton, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—76

And the bill:

H. 456. To create the crime of theft by fraudulent leasing or rental of property from a person licensed to lease personal property where the lessee gives a false or fictitious name or address, or where the lessee fails to return

the leased property to the place or within the time specified in the rental agreement; to provide for making a demand on the lessee to return the leased property within a specified time, and to provide that a failure to return the leased property within the specified time, after demand, shall constitute prima facie evidence that the leasing or rental of the property was fraudulent, and that lessee intended, knew or expected that he would not perform the terms of the rental agreement at the time it was made; provide that the fraudulent leasing or rental of property having a value of $100.00 or less shall be a Class A misdemeanor, and if property has a value of $100.00 or more, the fraudulent leasing or rental shall be a Class C felony, and to repeal Section 8-1-64, Code of Alabama 1975.

As thus amended, was read a third time at length and ordered engrossed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McMillan, McNair, Melton, Mikell, Mitchell, Newton, Onderdonk, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—80

CO-SPONSORS ADDED

Reps. Rains and Flowers were added as co-sponsors to the bill, H. 456.

MOTION TO ADJOURN LOST

The motion offered by Rep. Dutton that the House adjourn until 3:00 o'clock p.m., Tuesday, March 4, 1986, was lost.

Yeas 37; Nays 43.

Yeas:

Reps. Beasley, Black, Blakeney, Bowling, Bryant, Buskey (JE), Clark (D), Clark (W), Coburn, Dutton, Escott, Flowers, Ford, Fuller, Grayson, Hammett, Holmes, Johnson (RW), Lauderdale, Martin, Mathis, McDowell, Melton, Mikell, Mitchell, Newton, Parker, Perdue, Preuitt, Rains, Rogers, Sasser, Spratt, Thomas, Trammell, Venable and White (F).

—37

Nays:

Mr. Speaker, Bachus, Biddle, Blake, Brakefield, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Gaston, Grouby, Hall, Harvey, Hettinger, Johnson (RG), Junkins, Kvalheim, Laird,

Lindsey, McMillan, Onderdonk, Penry, Poole, Pratt, Rice, Richardson, Seibels, Smith, Starkey, Tanner, Turner, Turnham, Warren, White (G) and Zoghby.

—43

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Richardson, consideration of the Budget Isolation Resolution relating to H. B. 290, was temporarily postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rice, Budget Isolation Resolution relating to H. B. 206, was adopted.

Yeas 71; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Ford, Goodwin, Grayson, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McMillan, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F) and White (L).

—71

Nays: Reps. Hall and Trammell. —2

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 3:00 o'clock p.m., Tuesday, March 4, 1986, was lost.

Yeas 39; Nays 47.

Yeas:

Reps. Albright, Black, Blakeney, Bowling, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Coburn, Cosby, Davis, Dutton, Escott, Flowers, Ford, Fuller, Goodwin, Grayson, Hammett, Harper, Holmes, Kennedy, Lauderdale, Lindsey, Marietta, Mathis, McDowell, Mikell, Mitchell, Newman, Newton, Parker, Perdue, Rogers, Spratt, Thomas, Trammell and Turner.

—39

Nays:

Mr. Speaker, Bachus, Beasley, Blake, Boles, Box, Brakefield, Browder, Bugg, Burke, Butler, Campbell, Carothers, Clark (D), Clark (J), Coleman, Crow, Faulk, Gaston, Grouby, Hall, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Kvalheim, Laird, Martin, McMillan, Onderdonk, Penry, Poole, Pratt,

Preuitt, Rice, Richardson, Seibels, Smith, Starkey, Starr, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—47

MOTION TO SUBSTITUTE S. 132 FOR H. 206

Rep. Rice offered the motion to substitute the bill, S. 132, for the bill, H. 206.

ADJOURNMENT

On motion of Rep. Holmes, the House adjourned until 3:00 o'clock p.m., Tuesday, March 4, 1986.

Yeas 39; Nays 32.

Yeas:

Reps. Adams, Albright, Beers, Black, Blakeney, Brooks, Bryant, Buskey (JE), Clark (D), Clark (W), Davis, Dutton, Escott, Fuller, Grayson, Hammett, Harper, Holmes, Johnson (RW), Junkins, Kennedy, Lauderdale, Lindsey, Martin, Mathis, McDowell, McNair, Mikell, Newton, Parker, Perdue, Rains, Rogers, Sasser, Spratt, Thomas, Trammell, White (F) and White (G).

—39

Nays:

Mr. Speaker, Beasley, Blake, Boles, Box, Browder, Bugg, Burke, Carothers, Coleman, Cosby, Crow, Flowers, Gaston, Grouby, Hettinger, Holley, Johnson (RG), Laird, McMillan, Onderdonk, Penry, Poole, Pratt, Rice, Smith, Starkey, Starr, Turnham, Venable, White (L) and Zoghby.

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SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 4, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Charles Wimberly, Snowdoun United Methodist Church, Snowdoun, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers,

Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal, of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 125. HONORING THE LATE JOHN JACKSON SPARKMAN OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 127. COMMENDING JANICE FREELAND LINDEN ON HER DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY.

Also:

H. J. R. 128. COMMENDING THE GRAND BAY ALL STARS FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 259. CONGRATULATING NORTHVIEW HIGH SCHOOL, DOTHAN, ALABAMA, 1985 STATE 6-A FOOTBALL CHAMPIONS.

Also:

H. J. R. 260. COMMENDING THARPE FORRESTER FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 158. EXTENDING THE LIFE AND REPORTING DATE OF THE LEGISLATIVE JOINT INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

Also:

H. J. R. 243. MOURNING THE DEATH OF VELMA SANDERS HALL OF GURLEY, ALABAMA.

Also:

H. J. R. 244. SUPPORTING ALABAMA'S ALL-AMERICAN BOWL GAME.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 262. COMMENDING THE ROCK STAND VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 263. COMMENDING THE ROCK MILLS VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 264. COMMENDING THE WADLEY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 265. COMMENDING THE WEDOWEE VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 456. To create the crime of theft by fraudulent leasing or rental of property from a person licensed to lease personal property where the lessee gives a false or fictitious name or address, or where the lessee fails to return the leased property to the place or within the time specified in the rental agreement; to provide for making a demand on the lessee to return the leased property within a specified time, and to provide that a failure to return the leased property within the specified time, after demand, shall constitute prima facie evidence that the leasing or rental of the property was fraudulent, and that lessee intended, knew or expected that he would not perform the terms of the rental agreement at the time it was made; provide that the fraudulent leasing or rental of property having a value of $100.00 or less shall be a Class A misdemeanor, and if property has a value of $100.00 or more, the fraudulent leasing or rental shall be a Class C felony, and to repeal Section 8-1-64, Code of Alabama 1975.

JIMMY CLARK,
Chairman.

And the bill, H. 456 as engrossed was sent to the Senate.

RESOLUTIONS

The following resolution was introduced:

By Rep. Johnson (RW):

H. J. R. 266. COMMENDING THE "ALABAMA CHORAL EXPLOSION."

WHEREAS, the "Alabama Choral Explosion" is comprised of the top seventeen choral students in Alabama and the group's exceptionally talented members are from all parts of our State; and

WHEREAS, "Alabama Choral Explosion," which was formed to promote choral music as an integral part of the academic program and to assist in the creation of choral music programs in areas where they presently do not exist, is under the direction of Mr. Ben Russell, Choral Director at Holt High School and past president of the Alabama Vocal Association; and

WHEREAS, Alabama's top seventeen student choristers are John Gilchrist from Florence; Theresa Godwin and Cynthia McGonagle of Fairhope; Cliff Petty from Eufaula; Jeff Hardin, Bill Stephens, Steve Allen and John McDonald, all of Tuscaloosa; Birmingham's Bonnie Brooks and Craig Summers; Venita Watkins of Montgomery; Lew Sample of Tuscumbia; Jill Spurlin from Opp; Oxford's Tracy Lindley; Carla Thompson from Huntsville; Carol Ann Turney of Hartselle; and Tim Black from Dothan; and

WHEREAS, "Alabama Choral Explosion" and Director Ben Russell are indeed to be commended on their outstanding talent, both individually and as a group, and for their significant contribution in the promotion of choral

music as a vital part of the curriculum in all schools throughout Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alabama's top seventeen choral students, the "Alabama Choral Explosion," and their director, Mr. Ben Russell, for outstanding contribution to the educational process in Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be prepared for appropriate presentation to Mr. Russell and the "Alabama Choral Explosion" to express the sincere personal regard of the legislature.

On motion of Rep. Johnson (RW), the rules were suspended and the resolution, H. J. R. 266, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Johnson (RW):

H. R. 267. COMMENDING THE "ALABAMA CHORAL EXPLOSION."

BILLS ON SECOND READING

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 669. To provide for health maintenance organizations (HMO's); to provide definitions; to provide for a procedure for the issuance, renewal, suspension, fees and application for certificate of authority for HMO's; to create a governing body for HMO enrollees and for its fiduciary duties; to provide for the licensing of agents of HMO's; to provide for the powers, duties and responsibilities of HMO's; to provide for the administration and regulation of HMO's by the insurance commissioner and state health officer and to grant rule making powers for implementation; and to provide for enforcement for the provisions of this Act and to provide penalties for violation.

H. 651. To amend Section 27-8-10 of the Code of Alabama 1975, relating to reexamination of life and disability insurance agents, so as to change the waiting period for a person who has failed to pass two examinations from 6 months to 90 days.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 572. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such

conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 154. (With Substitute): To amend Section 40-20-2, Code of Alabama 1975, so as to further define the limitations imposed upon counties, cities, towns or municipalities to establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, with respect to the production, treating, processing, ownership, sale, storage, purchasing, marketing, or transportation on any oil or gas produced in the State of Alabama.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 197. To repeal Sections 40-17-130, 40-17-131, 40-17-132, and 40-17-133, Code of Alabama, 1975, as amended, which sections relate to reduction of rate of taxation on gasohol.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 671. (With Amendment): Relating to Lauderdale County and its municipalities for the purpose of said county and municipalities joining with Colbert County and its municipalities, for the purpose of forming a Shoals Industrial Development Authority for promoting industry and trade and the development of said counties and cities; to provide for the organization, powers, functions, duties and personnel of such authority, and for the payment of expenses of the authority and for the compensation of its employees.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 677. Relating to Autauga County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

H. 681. Proposing an amendment to the Constitution of Alabama of 1901 relative to the fees and compensation of the judge of probate of Autauga County.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Smith and Grouby (With Notice and Proof):

H. 687. Relating to Chilton County; to create a license-issuing division within the tax collector's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail, such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes, the issuance of licenses by the tax collector's office; and to transfer certain duties now performed by the tax assessor and probate judge to said office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 687, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coburn and Goodwin (With Notice and Proof):

H. 688. Relating to Colbert County; providing for the county governing body to reimburse the office of probate judge for any monetary loss resulting from the performance of official duties for errors of mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 688, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell (With Notice and Proof):

H. 689. Relating to Calhoun County, amending Act No. 84-403, H. 819, 1984 Regular Session, which levies an additional sales tax in the county, so as to provide further for the distribution of the proceeds of said tax and providing for a retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 689, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Gaston, Kvalheim, Zoghby, Harper, Butler, Turner, McMillan, Clark (W), Hooper, Kennedy, Burke, Venable, Cosby, Hammett, Adams, McKee, Box, Marietta, Payne, White (G), and Lindsey:

H. 690. To create the Private Sector Action Council of Alabama; to provide for the composition of the council, the duties, responsibilities and powers; to provide for intergovernmental cooperation for the purposes the council was created; to provide for recommendations for government efficiency and cost-effectiveness; to prescribe that expenses shall be payable from funds appropriated to the Governor's office; and to provide that the provisions of the act shall be cumulative.

WHEREAS, the economy, productivity, health and general well-being of the people of Alabama are of prime consideration to the state government; and

WHEREAS, from time to time state government priorities and income change, and when they do, it is necessary to adjust both the revenue measures and the way taxpayers' money is spent; and

WHEREAS, the State of Alabama has a tradition of utilizing private and civic-minded citizens for important public projects, and the citizens of Alabama have an equal tradition of service to the state; and

WHEREAS, there exists the need for members of the private sector to study and evaluate the state's entire tax structure, its program of expenditures and cost controls in government; and

WHEREAS, greater citizen participation in governmental affairs in Alabama will result in better informed decision-making; now therefore,

Committee on Ways and Means.

By Rep. Warren (With Notice and Proof):

H. 691. Relating to Conecuh County; to provide for a special recording fee on documents filed in the office of the judge of probate; and to prescribe the use thereof.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 691, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Fuller and Laird (With Notice and Proof):

H. 692. Relating to Chambers County; to authorize Chambers County to grant county ad valorem taxes exemptions, including real estate, equipment and supplies for up to five years to any manufacturing firm or facility; to provide that the tax exemption herein shall not affect taxes other than county ad valorem taxes; to provide for the county tax assessor to develop the necessary criteria to issue said exemptions subject to the approval of the Chambers County Industrial Board; and to provide for the procedures to be followed in the granting of such exemptions.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 692, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Holmes and McNair:

H. 693. To repeal all state and local sales tax exemptions, except for charities and prescription drugs.

Committee on Ways and Means.

By Rep. Martin (With Notice and Proof):

H. 694. Relating to Morgan County; providing for the reidentification of each qualified elector in the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 694, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Tanner:

H. 695. To amend Section 32-5A-154 of the Code of Alabama 1975 relating to motor vehicles stopping for school buses, so as to define the term controlled-access highway.

Committee on Highway Safety.

By Reps. Turnham, Rice, and Flowers:

H. 696. To further amend section 17-4-156, Code of Alabama 1975, as amended, relating to the meeting days, so as to authorize certain county boards of registrars to meet additional days if, in the discretion of the chairman of the county commission, it is warranted; to provide for retroactive effect commencing October 1, 1985.

Committee on Ways and Means.

By Rep. Campbell:

H. 697. To amend Section 40-9-12, Code of Alabama 1975, which provides for certain exemptions from the payment of all state, county and municipal taxes and licenses, so as to include the Alabama Head Start Program and the Community Action Agency programs within said exemption.

Committee on Ways and Means.

By Rep. Onderdonk (With Notice and Proof):

H. 698. Relating to Washington County; providing a certain increase in compensation for the supernumerary tax collector in said county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 698, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McKee:

H. 699. To provide increased criminal penalties and to remove juvenile offender status for certain persons convicted of committing certain crimes against elderly citizens.

Committee on Judiciary.

By Rep. Cosby:

H. 700. To amend section 41-9-249.1, Code of Alabama 1975, which provides for state contracts for the salvage of archaeological treasures, so as to provide further for the distribution of proceeds received from said contracts.

Committee on State Administration.

By Rep. Laird:

H. 701. To repeal Section 25-10-6, Code of Alabama 1975, which created the small business advisory council, to reestablish the Small Business Advisory Council under the auspices of the Alabama Development Office; to provide for the duties, composition and compensation of said council.

Committee on Small Business.

By Rep. Faulk:

H. 702. To amend Section 2-19-131, providing for certification of the official cotton growers' organization to allow said organization to borrow funds for the purpose of eradicating the boll weevil; to amend Section 2-19-135, providing procedures to be used when assessments are not paid to also declare that assessments constitute a lien which the Commissioner of Agriculture and Industries is authorized to collect.

Committee on Agriculture and Forestry.

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 703. Relating to Limestone County; to provide that any municipality whose corporate limits or boundaries include lands lying outside of Limestone County, must, in addition to all other requirements of law, obtain the consent of the Limestone County Commission before annexation of lands lying in Limestone County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 703, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman, Newman, Junkins, Rice, McMillan, Marietta, Clark (J), Richardson, Mitchell, Davis, Carter, Albright, Lauderdale, Dutton, Bugg, Hall, Clark (D), and Harvey:

H. 704. To amend Section 24-1A-4 of the Code of Alabama 1975, relating to appointment of members, officers and directors of the Alabama Housing Finance Authority, so as to provide further for the appointment

procedure for certain members, officers and directors of said Authority and to make the provisions of this amendment retroactive.

Committee on State Administration.

By Rep. Britnell (With Notice and Proof):

H. 705. Relating to Franklin County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for a certain computerized branch office at Red Bay, Alabama; to provide certain duties for the division; to provide a procedure for handling cases involving invalid personal checks given for licenses and the voiding of such licenses; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley:

H. 706. To provide that the repeal of Supernumerary Judge Laws shall not effect the method of computing the compensation of Supernumerary District Attorneys.

Committee on Ways and Means.

By Rep. Johnson (RW):

H. 707. To amend section 36-23-1, Code of Alabama 1975, relating to constables, so as to provide certain qualifications for constables, to remove the provisions regarding abolishing the office by local legislation and to provide for the removal of constables from office in certain instances.

Committee on Judiciary.

By Reps. Blake, Crow, White (F), and Flowers:

H. 708. To amend section 34-25-24, Code of Alabama 1975, which relates to the issuance of licenses by the state polygraph examiners board to nonresident applicants who are licensed in another state, so as to provide further for the fees charged for the issuance of licenses to such applicants.

Committee on State Administration.

By Rep. Turnham:

H. 709. To provide an additional county salary supplement for the circuit judges of the thirty-seventh judicial circuit.

Committee on Local Legislation No. 1.

By Reps. Harper, Burke, and Payne:

H. 710. To provide that any county having two or more telephone systems may enact local legislation providing that telephone calls originating and terminating in the county would be charged as local calls.

Committee on Public Utilities and Transportation.

By Reps. Tanner, Fuller, Box, Poole, Marietta, Bachus, Kvalheim, Smith, and Browder:

H. 711. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Committee on Judiciary.

RESOLUTIONS

The following resolution was introduced:

By Reps. Seibels, Johnson (RW), Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 268. COMMENDING MITCH STRICKLAND OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, a resident of Tuscaloosa since 1973, Mitch Strickland graduated in 1976 from Tuscaloosa High School with letters in track and football; he also was competitive in power lifting, ranking consistently in the top three in Alabama during five years as an able-bodied competitor; and

WHEREAS, Mitch Strickland, however, was severely injured in 1980 and, following release from Spain Rehabilitation Center, was confined to a wheelchair, facing a difficult adjustment to a life void of athletic competition; and

WHEREAS, at the later suggestion of his physical therapist, Mitch was persuaded to enter the Dixie Regionals of the National Wheelchair Athletic Association (NWAA) in Tuscaloosa, where he finished first in his division in weight lifting; and

WHEREAS, after winning the silver medal at the 1983 National Wheelchair games in Honolulu, Mitch was once again imbued with his former competitive spirit and, from the summer of 1983 to the present, his personal triumphs have escalated to glittering heights, including such accomplishments as the 1984 National Championship, the bronze medal in the 1984 Olympic VII World Wheelchair Games, the "gold" in the 1985 Nationals, and the

official American record with a 440-pound lift at the European Trials in January 1986; and

WHEREAS, though Mitch Strickland still faces formidable challenges at the European Championships, the International Stoke-Mandeville and the Pan American Games, and the North American Wheelchair Weight Lifting Championships, we confidently anticipate continuing conquests from this remarkable young man who refused to accept physical limitation, broke free of the bonds of his handicap, and has soared in new-found freedom to become an athlete of commanding skill and ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and in tribute to a rare courage and determined spirit, we hereby most highly commend Mitch Strickland of Tuscaloosa, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Seibels, the rules were suspended and the resolution, H. J. R. 268, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 269. COMMENDING COACH WILLIAM FLOYD CLIPSON.

Also:

The following resolution was introduced:

By Reps. Escott, McNair, Boles, Bachus, Beers, Biddle, Davis, Gray, McDowell, Newton, Payne, Perdue, Pratt, Rogers, Seibels, Spratt, Trammell and White (G):

H. J. R. 270. COMMENDING THE JEFFERSON COUNTY RETIRED SENIOR VOLUNTEER PROGRAM.

WHEREAS, the Retired Senior Volunteer Program (RSVP) is a voluntary, non-profit agency which provides comprehensive service to older adults by utilizing area programs and stimulating the establishment of new services as needed; and

WHEREAS, participating in RSVP in Jefferson County are 1,509 retired senior volunteers who, "in sharing the experience of a lifetime", contribute untold thousands of hours to community service, providing support and advocacy to other Jefferson County senior citizens in need; and

WHEREAS, the Jefferson County RSVP volunteers work through such community agencies and organizations as area hospitals, veterans associations, the courts, health care centers, schools, nursing homes, adult and children and youth centers and the Crisis Center, among others, as well as in other areas of health, the arts, charities, food distribution, meal delivery, income counseling and tax assistance; and

WHEREAS, the volunteers and staff of the Jefferson County RSVP agency are indeed dedicated in their commitment to their communities, and

are held in highest regard by those who daily benefit from their selfless volunteer service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the retired senior volunteers of Jefferson County who are dedicated in service with the Jefferson County RSVP agency, and direct that a copy of this resolution of sincere praise be provided for this outstanding group of caring individuals.

On motion of Rep. Escott, the rules were suspended and the resolution, H. J. R. 270, was adopted.

Also:

By Reps. Buskey (JE), Clark (W), Box, Zoghby, Turner, Gaston, Harper, Kennedy, Kvalheim and Marietta:

H. J. R. 271. COMMENDING THE LEFLORE HIGH SCHOOL RATTLERS AND ITS COACH, JOHNNY SHELWOOD, OF MOBILE, ALABAMA FOR WINNING THE ALABAMA HIGH SCHOOL BASKETBALL CHAMPIONSHIP.

WHEREAS, the LeFlore Rattlers defeated the Coffee Yellowjackets by a score of 53-49 in Championship Tournament play in Tuscaloosa, Alabama on March 1, 1986; and

WHEREAS, the LeFlore team from Mobile, Alabama is the first Mobile team to win a state basketball championship since 1956 (30 years); and

WHEREAS, the Rattlers from Mobile finished second in the State Tournament last year and first this year, attributing their excellence to the coaching of Johnny Shelwood; and

WHEREAS, the LeFlore team was ranked #1 in Alabama in Class 6-A throughout the 1985-86 regular season, having such great players as: Leonard Andrews, Joseph Ankum, Byrle Colley (who has also served as a Senate Page), Randy Curry, Aubrey Edwards, Ronald Jackson, Eric Knight, Chrosin Mauldin, John Mitchell, Kenneth Mixon, Eric Moore, Warren Russell, and Anthony Shamburger; and

WHEREAS, the LeFlore High School Rattlers finished the season with a record of 28 wins and only 2 losses; and

WHEREAS, the Legislature takes note of the fact that LeFlore High School is named after a former House member, the late J.L. LeFlore, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to the LeFlore High School Rattlers and their coach, John Shelwood, our congratulations upon being crowned the Alabama High School Basketball Champions of 1986.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be prepared to present to each player and the coach. Also a copy prepared for the principal of LeFlore High School so that it may be displayed in a permanent place in the school.

On motion of Rep. Buskey (JE), the rules were suspended and the resolution, H. J. R. 271, was adopted.

Also:

By Reps. Blake, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 272. COMMENDING LEIGH ANN SIMPSON OF ASHVILLE, ALABAMA, ON BEING ELECTED PRESIDENT OF THE ALABAMA 4-H COUNCIL.

WHEREAS, in highest commendation, the Alabama Legislature extends heartiest congratulations to Leigh Ann Simpson of Ashville, Alabama, who was recently elected President of the Alabama 4-H Council which represents over 117,000 4-H members in this state; and

WHEREAS, Miss Simpson is an outstanding senior at Ashville High School and only the second girl to ever be elected President of this council in its 75-year history; and

WHEREAS, Miss Simpson, who is the daughter of Mr. and Mrs. William G. Simpson, has been active in 4-H work for the past seven years and is the first 4-H Council President to be elected from St. Clair County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Leigh Ann Simpson of Ashville, Alabama, for extraordinary accomplishment; we further congratulate her as President-Elect of the Alabama 4-H Council, and direct that she receive a copy of this resolution in token of our sincere praise and warmest personal regard.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 272, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Bachus, Seibels and White (G):

H. R. 273. COMMENDING THE LEEDS HIGH SCHOOL SCHOLASTIC TOURNAMENT TEAM FOR OUTSTANDING ACCOMPLISHMENT.

Also:

The following resolution was introduced:

By Rep. Junkins:

H. J. R. 274. COMMENDING BRETT BENEFIELD AND TIM SIMMONS FOR OUTSTANDING HEROISM.

WHEREAS, the Legislature of Alabama notes with highest commendation the heroic actions of Brett Benefield and Tim Simmons of Etowah County, Alabama, who are credited with saving the life of a Rainbow City resident; and

WHEREAS, twenty-one year old Tim Simmons and fourteen-year old Brett Benefield, brothers-in-law, came upon the scene of an eight-unit apartment fire; though other residents of the apartment had been awakened by smoke detector alarms and had evacuated the burning building, one elderly lady, who was sedated following hospitalization, still remained inside the fire-and-smoke-filled building; and

WHEREAS, at the risk of grave personal danger, Tim Simmons, followed by Brett Benefield, gained access to Mrs. Betty Rawson's apartment and helped her from the blazing building; and

WHEREAS, Tim Simmons and Brett Benefield are indeed courageous young men, unafraid to risk their own lives to save anothers', and they are to be most highly praised for their life-saving efforts, despite grave dangers involved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding courage and heroism, we hereby most highly commend Tim Simmons and Brett Benefield, whom we hold in highest regard and for whom copies of this resolution shall be provided.

On motion of Rep. Junkins, the rules were suspended and the resolution, H. J. R. 274, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 275. MOURNING THE DEATH OF CLARENCE R. SCRUGGS OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 276. MOURNING THE DEATH OF JAMES A. TUMLIN OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 277. MOURNING THE DEATH OF JAMES DAVID FUHRMAN OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 278. MOURNING THE DEATH OF ROBERT LEE GODFREY OF ETOWAH COUNTY, ALABAMA.

Also:

By Rep. Junkins:

H. R. 279. MOURNING THE DEATH OF MRS. EVELYN COLEY OF GLENCOE, ALABAMA.

Also:

By Rep. Junkins:

H. R. 280. MOURNING THE DEATH OF MARY IONE FARMER, OF GADSDEN, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Bugg:

H. J. R. 281. COMMENDING THE EMMA SANSOM HIGH SCHOOL BAND OF GADSDEN, ALABAMA.

WHEREAS, the Alabama Legislature notes with highest commendation that the Emma Sansom High School Band of Gadsden, Alabama, has been invited as guest of the British and Bahamian Governments to present marching exhibitions, concerts and clinics in the schools of the Bahama Islands; and

WHEREAS, during their visit to the Bahamas, the band will exchange flags of the United States and the State of Alabama with the Governor General of the Islands; and

WHEREAS, the Emma Sansom High School Band, under the direction of Darry Pilkington, has contributed significantly to the cultural life of Etowah County and the State of Alabama; and

WHEREAS, the State of Alabama is indeed honored to be represented by the outstanding young members of the Emma Sansom High School Band; and

WHEREAS, we further note, and concur with said action, that Governor George C. Wallace, has designated the members of the Emma Sansom High School Band as "Official Ambassadors of Goodwill" from the State of Alabama to the Bahama Islands during their cultural exchange tour in May 1986; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Emma Sansom High School Band as official representatives of the State of Alabama and further direct that a copy of this resolution of commendation be forwarded to Band Director, Darry Pilkington, on behalf of the entire band, and that a copy also be provided for appropriate school display.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 281, was adopted.

Also:

By Reps. Marietta, Zoghby, Harper, Gaston, Box, Kvalheim, Kennedy, Clark (W), Turner and Buskey (JE):

H. J. R. 282. COMMENDING JAMES L. BUSBY OF MOBILE, ALABAMA.

WHEREAS, James L. Busby, a prominent Mobilian, who has contributed greatly to the sciences, industry, manufacturing and engineering and has earned great distinction in civic and community affairs; and

WHEREAS, Mr. Busby, who is a graduate of the University of Alabama and earned his master's degree from the University of South Alabama, recently was named Mobile's Engineer of the Year by the Mobile Area Inter-Engineering Societies Council and, in 1982, he was named National Small Business Innovation Advocate of the year and is a member of the President's Association; and

WHEREAS, Mr. Busby has received many awards involving his numerous activities and has been recognized by his peers for his business acumen; and

WHEREAS, a world leader in the manufacture and sale of laser printing systems, Mr. Busby's company, QMS has soared from two employees to five hundred in nine years; and

WHEREAS, Mr. Busby challenges his community to reach higher goals and is exemplary in attaining many distinctive achievements as an inventor, pilot, businessman and sportsman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend James L. Busby of Mobile, Alabama, for his many outstanding contributions and as recipient of the coveted Mobile Engineer of the Year Award, and, as an expression of our high praise and regard we do direct that a copy of this resolution be presented to him.

On motion of Rep. Marietta, the rules were suspended and the resolution, H. J. R. 282, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Bachus and Tanner:

H. R. 283. COMMENDING MR. KENNETH J. GOMANY OF BIRMINGHAM FOR OUTSTANDING SERVICE IN THE OFFICE OF DISTRICT ATTORNEY, JEFFERSON COUNTY, ALABAMA.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Brakefield, Budget Isolation Resolution relating to H. B. 532, was adopted.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Albright, Blakeney, Brakefield, Brooks, Bugg, Butler, Carothers, Clark (D), Clark (W), Flowers, Gaston, Goodwin, Grouby, Hall, Harper, Kvalheim, Laird, Mathis, Mitchell, Onderdonk, Parker, Poole, Rice, Sasser, Starkey, Trammell, Venable and Zoghby.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 532. Relating to Walker County; to amend Act 83-428, Senate Bill 355, Regular Session, 1983 (Acts of Alabama, 1983, Volume 1, pages 607-608) so as to provide the Walker County Board of Education the authority to establish the salary of the Superintendent of Education of Walker County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Carothers, Clark (D), Cosby, Crow, Dutton, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Kvalheim, Laird, Lauderdale, Mathis, McMillan, Mikell, Onderdonk, Parker, Poole, Pratt, Rains, Rice, Sasser, Starkey, Tanner, Trammell, Venable, White (G) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bugg, Budget Isolation Resolution relating to H. B. 19, was adopted.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Box, Brooks, Bryant, Bugg, Carothers, Clark (D), Dutton, Flowers, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Johnson (RG), Lauderdale, Mathis, McMillan, Mitchell, Onderdonk, Parker,

Poole, Pratt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Tanner, Venable and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 19. To authorize the Etowah County Board of Health to designate the services rendered by the Etowah County Health Department for which a reasonable fee may be charged and to set and collect fees for each service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Albright, Blakeney, Box, Brakefield, Brooks, Bugg, Carothers, Clark (D), Dutton, Flowers, Goodwin, Hall, Harper, Hettinger, Hooper, Johnson (RG), Lauderdale, Mathis, McMillan, Mitchell, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Richardson, Sasser, Seibels, Starkey, Turnham, Venable, White (G) and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Bugg, Budget Isolation Resolution relating to H. B. 346, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Carothers, Clark (D), Clark (W), Coburn, Davis, Dutton, Goodwin, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mitchell, Onderdonk, Parker, Poole, Pratt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Turnham, Venable, White (G), White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 346. Proposing an amendment to the Constitution of Alabama of 1901 to prohibit annexation of territory within Etowah County by municipalities outside of the county without a vote of the people of Etowah County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Butler, Carothers, Clark (D), Clark (J), Coburn, Coleman, Cosby, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Mitchell, Newman, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—68

Nay: Rep. Escott. —1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 125. HONORING THE LATE JOHN JACKSON SPARKMAN OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 127. COMMENDING JANICE FREELAND LINDEN ON HER DISTINGUISHED CAREER WITH THE ALABAMA DEPARTMENT OF PENSIONS AND SECURITY.

Also:

H. J. R. 128. COMMENDING THE GRAND BAY ALL STARS FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 158. EXTENDING THE LIFE AND REPORTING DATE OF THE LEGISLATIVE JOINT INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

Also:

H. J. R. 243. MOURNING THE DEATH OF VELMA SANDERS HALL OF GURLEY, ALABAMA.

Also:

H. J. R. 244. SUPPORTING ALABAMA'S ALL-AMERICAN BOWL GAME.

Also:

H. J. R. 259. CONGRATULATING NORTHVIEW HIGH SCHOOL, DOTHAN, ALABAMA, 1985 STATE 6-A FOOTBALL CHAMPIONS.

Also:

H. J. R. 260. COMMENDING THARPE FORRESTER FOR MERITORIOUS SERVICE TO THE STATE OF ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution relating to H. B. 656, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Carothers, Carter, Clark (D), Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Newton, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Rice, Seibels, Smith, Starkey, Turner, White (G), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 656. Relating to Clarke County; providing for the appointment of the county superintendent of education; providing for a referendum on the question of whether the electors of the county favor the appointment of the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Box, Brooks, Bryant, Bugg, Butler, Carter, Clark (D), Davis, Escott, Flowers, Gaston, Goodwin, Harper, Hettinger, Hooper, Johnson (RG), Kvalheim, Lauderdale, Martin, Mathis, McKee, McMillan, Newman, Newton, Onderdonk, Poole, Preuitt, Rains, Rice, Seibels, Smith, Starkey, Turner, White (G), White (L) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mitchell, Budget Isolation Resolution relating to H. B. 662, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Carothers, Carter, Clark (D), Clark (J), Cosby, Flowers, Gaston, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Lauderdale, Martin, Mathis, McKee, McMillan, Mitchell, Newman, Newton, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Sasser, Seibels, Smith, Venable, White (G), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 662. Relating to Pickens County, providing further for the procedure for selling and redeeming lands for taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Box, Bryant, Bugg, Carothers, Carter, Clark (D), Clark (W), Cosby, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Johnson (RG), Johnson (RW), Kvalheim, Lauderdale, Marietta,

Martin, Mathis, McKee, Mitchell, Newman, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Richardson, Sasser, Starkey, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Mitchell, Budget Isolation Resolution relating to H. B. 663, was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brooks, Bryant, Bugg, Carter, Clark (D), Clark (W), Cosby, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Martin, McMillan, Mitchell, Onderdonk, Poole, Seibels, Smith, Starkey, Tanner, Venable, White (G), White (L) and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 663. Relating to Pickens County; providing further for the expense allowance and salary of the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Britnell, Buskey (JE), Carothers, Carter, Clark (D), Clark (W), Cosby, Flowers, Gaston, Goodwin, Harper, Hettinger, Johnson (RG), Johnson (RW), Kvalheim, Lauderdale, Marietta, Martin, Mathis, McMillan, Mitchell, Newman, Parker, Perdue, Poole, Pratt, Preuitt, Richardson, Seibels, Smith, Starkey, Tanner, White (G), White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 659, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (JE), Carter, Clark (D), Clark (W), Cosby, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Kennedy, Kvalheim, Laird, Marietta, Martin, Mathis, Mikell, Mitchell, Onderdonk, Parker, Poole, Preuitt, Rains, Rice, Richardson, Seibels, Smith, Starkey, Venable, White (G), White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 659. To authorize the Tallapoosa County Board of Health to designate the services rendered by the Tallapoosa County Health Department for which a reasonable fee may be charged; to provide that the Tallapoosa County Board of Health shall be required to set a maximum fee for each service; to provide that the Tallapoosa County Health Department may charge and collect such fees; to provide that no citizen shall be deprived of any service because that person is unable to pay; and to provide for the allocation of all fees collected.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Britnell, Brooks, Bryant, Carter, Clark (D), Clark (W), Cosby, Flowers, Gaston, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lindsey, McMillan, Mikell, Newman, Onderdonk, Parker, Poole, Rains, Rice, Sasser, Seibels, Smith, Starkey, Venable, White (G) and White (L).

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. White (L), Budget Isolation Resolution relating to H. B. 660, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Cosby, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Newman, Onderdonk, Parker, Perdue, Poole, Preuitt, Sasser, Seibels, Starkey, Turner, Venable, White (G), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 660. Relating to Tallapoosa County; providing certain additional compensation for the members of the board of registrars for the duration of voter reassignment and providing for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (D), Clark (W), Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, McKee, McMillan, Mikell, Onderdonk, Parker, Poole, Preuitt, Rice, Sasser, Seibels, Smith, Starkey, Turner, Venable, White (G), White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution relating to H. B. 661, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Carter, Clark (D), Clark (W), Gaston, Goodwin,

Grouby, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, McKee, McMillan, Mikell, Newman, Onderdonk, Parker, Preuitt, Rice, Sasser, Seibels, Smith, Starkey, Turner, Venable, White (G), White (L) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 661. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Bugg, Butler, Carothers, Carter, Clark (D), Clark (W), Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Newman, Onderdonk, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Starkey, Turner, Venable, White (G) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to H. B. 618, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hettinger, Kennedy, Kvalheim, Lauderdale, Marietta, Martin, Mathis, Mikell, Parker, Perdue,

Poole, Pratt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Thomas, Turner, Venable, White (G) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 618. Relating to Lowndes County; suspending the implementation of the provisions of Act No. 85-740, H. 900, 1985 Regular Session, as amended by Act No. 85-827, S. 150, 1985 2nd Special Session, until January 1, 1987.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Bowling, Brooks, Browder, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Coburn, Crow, Faulk, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, McMillan, Mikell, Parker, Perdue, Poole, Rice, Richardson, Smith, Starkey, Thomas, Turner, Venable, Warren and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Thomas, Budget Isolation Resolution relating to H. B. 617, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Brooks, Browder, Bryant, Buskey (JE), Butler, Carter, Clark (D), Clark (W), Crow, Gaston, Goodwin, Hall, Harper, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mikell, Parker, Perdue, Poole, Rice, Seibels, Smith, Starkey, Starr, Thomas, Turner, Venable, White (G) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 617. Relating to Lowndes County; providing for a chief clerk and clerk for the probate judge; and prescribing the duties and setting the salaries for such clerks; providing for the hiring of a part-time clerk; repealing Act No. 119, H. 115, of the 1978 Special Session (Acts 1978, p. 1835), Act No. 316, H. 719, of the 1939 Regular Session (Acts 1939, p. 205) and Act No. 40, H. 215 of the 1951 Regular Session (Acts 1951, p. 248).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Brooks, Browder, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Crow, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Martin, McKee, McMillan, Mikell, Newman, Newton, Parker, Perdue, Poole, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Turner, Venable, White (G) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 4:00 o'clock p.m., Wednesday, March 5, 1986.

H. 271 TAKEN UP

And the bill:

H. 271. To grant tax exemptions for the benefit of certain air carriers; to exempt from the tax levied by Article 6 of Chapter 3 of Title 28 of the Code of Alabama 1975 on the sale of spirituous or vinous liquors certain sales of spirituous or vinous liquors to a certificated or licensed air carrier with "a hub operation within this state," as herein defined; to amend Section 40-9-1, Code of Alabama 1975, by adding subdivision (24) to exempt from ad valorem tax all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-12-223, Code of Alabama 1975, by adding subdivision (13) to exempt from rental tax the gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-14-41, Code of Alabama 1975, by adding subdivision (d)(2)(E) to provide for a deduction from the amount of capital employed in the state for purposes of

computing the franchise tax applicable to foreign corporations the amount invested by the taxpayer in all real and personal property, equipment, facilities, structures and components thereof including all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-17-31, Code of Alabama 1975, by adding subdivision (d)(4) to exempt from excise tax gasoline or other fuel used to propel aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4, Code of Alabama 1975, by adding subdivision (40) to exempt from sales tax the gross receipts from the sale of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4 by adding subdivision (41) to exempt from sales tax the gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (32) to exempt from use tax the storage, use or other consumption of any aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; and to further amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (33) to exempt from use tax the storage, use or other consumption of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state.

Which was postponed on the twelfth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Black, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

Reps. Holley and Rains were added as co-sponsors to the bill, H. 271.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 284. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES THAT immediately upon adoption of this resolution, the following

bills be made the special and paramount order of business for Tuesday, March 4, 1986, taking precedence over any other business of the House:

Bill No.	Page	Sponsor	Short Title
H. 371	51	Coburn	Judicial Building Authority
H. 8	4	Turner	Parental Notification
H. 611	76	Drake	Farm Crisis & Transition Program
UNFINISHED BUSINESS:			
H. 37	2	Smith	Acts & journals, printing of
H. 206	13	Rice	ABC laws updated
H. 518	78	Johnson (Roy)	Extensions of credit regulated
H. 499	59	Starkey	Ala. Rapid Rail Transit Comm.
H. 45	79	White (L)	Handicapped parking; decals
H. 305	49	Coleman	Boards of education; civil actions
H. 366	40	Grouby	Probate judges' fees
H. 531	60	Holley	County engineers
H. 322	36	Adams	School boards; liability insurance provided
H. 444	45	Boles	C.A.; establishing regulatory commission; legislative retirement
H. 228 (w/amdt.)	39	Turner	Redefine the term telephone business
H. 539	69	Onderdonk	Amends Uniform Transfer to Minor Act
H. 170	22	Pratt	Interstate Compact on Juveniles
H. 473	49	Penry	Commodity foods: Dept. of Educ.

On motion of Rep. Clark (J), the resolution, H. R. 284, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Beers would have voted "Yea" on the bill, H. 271, had he been in the Chamber at the time of voting.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution relating to H. B. 371, was adopted.

Yeas 74; Nays 16.

Yeas:

Mr. Speaker, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Ford, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Warren, White (F) and White (G).

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Nays:

Reps. Adams, Beasley, Brooks, Butler, Coleman, Faulk, Gray, Hall, Hettinger, Johnson (RG), Mikell, Payne, Penry, Rains, Venable and White (L).

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Albright, Hall and Hettinger:

H. R. 285. COMMENDING STEVE ERNEST TONDERA, OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 48. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-31-21 and 34-31-28, so as to provide further for persons who may be certified without having to be examined by the board; and to authorize the board to adopt minimum repair and service standards or criteria for its registered contractors; and to provide for misdemeanor penalty for noncompliance.

Also:

S. 49. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Foresters as provided in Sections 34-12-1 through 34-12-37 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-12-5, 34-12-6, 34-12-8, 34-12-9, 34-12-30, 34-12-32 and 34-12-36, so as to increase annual license issuance fees; increase examination fees; increase annual notification of renewal license fees; increase reissuance or reinstatement of license fees; rename Alabama chapter the Alabama "Division"; increase per diem allowances for meeting

days of board members; and to require bonding of certain officers of the board.

Also:

S. 50. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners as provided in Sections 34-9-40 through 34-9-47 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 51. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board as provided in Sections 9-17-1 through 9-17-32 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Also:

S. 56. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Radiation Control Agency and the Radiation Advisory Board as provided in Sections 22-14-1 through 22-14-35 of the Code of Alabama 1975; and the legislature's concurrence thereof.

Also:

S. 60. Relating to Cullman County; to amend further Act No. 711, H. 1109, Regular Session 1976 (Acts 1976, p. 991), as amended by Act No. 81-1037, H. 38, Second Special Session 1981 (Special Session Acts 1981, p. 237), and Act No. 85-886, H. 13, Regular Session 1985, which act charges a court cost in criminal cases to be remitted to the juvenile probation fund and the county sheriff's office, so as to charge an additional $3.00 court cost on each criminal case in the county, the proceeds to be earmarked for juvenile programs, and expenses and subsistence for the juvenile probation officer's office, to specifically repeal Act 85-886, H. 13, 1985 Regular Session, and to provide that this act shall be retroactively effective to September 19, 1985.

Also:

S. 63. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of St. Florian in Lauderdale County.

Also:

S. 185. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County; to provide for a referendum election of the qualified electors who reside within the territory proposed to be brought within the municipal limits of Gulf Shores.

Also:

S. 445. Relating to the Alabama Sunset Law; to continue until October 1, 1987, the existence and functioning of the Alabama Surface Mining Commission as provided in Sections 9-16-70 through 9-16-107, to amend Sections 9-16-73, 9-16-74, 9-16-78, 9-16-85, and 9-16-88, Code of Alabama 1975 so as to provide that the rules and regulations of the commission shall not be more stringent than those promulgated by federal statute, rule or regulation; to create a legislative oversight committee and to provide for the duties, composition, meetings and compensation of members of the committee; to require the director of the commission to have knowledge of state

and federal surface mining laws, rules and regulations; to provide for a technical assistant for the commission and to provide for his duties and salary; to require permits and licenses to be issued more promptly; It is further provided that the commission shall be reviewed by the Sunset Committee in the interim between the 1986 and 1987 Regular Legislative Sessions and that said commission shall be terminated effective October 1, 1987, unless a Sunset bill passes at the 1987 Regular Session to continue the commission.

Also:

S. J. R. 85. CALLING UPON THE STATE HIGHWAY DEPARTMENT TO REVIEW AND ANALYZE THE CONSTRUCTION OF "CORRIDOR X" AND TO MAKE RECOMMENDATIONS AS TO THE BEST ROUTE.

Also:

S. J. R. 124. URGING CONGRESS TO TAKE AFFIRMATIVE ACTION TO EXTEND THE FEDERAL REVENUE SHARING PROGRAM AT LEAST THROUGH THE END OF FISCAL YEAR 1987.

Also:

S. J. R. 3. INVITING DR. ALBERT B. SABIN AS THE DEVELOPER OF THE ORAL POLIO VACCINE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 47. CALLING FOR THE DEATH PENALTY FOR "KINGPINS" IN DRUG TRAFFICKING CASES ON THE FEDERAL LEVEL.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 371. (With Amendment): To authorize the Governor, the Director of Finance and the Chief Justice of the Supreme Court of the State of Alabama to become a public corporation to be known as Alabama Judicial Building Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the Authority; to provide for meetings of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, installation and equipping of judicial facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed $40,000,000 for such purposes; to specify the application of the proceeds of the bonds of the Authority; to authorize the Authority to pledge such revenues from its leases as may be

necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the Authority; to provide for the lease of said judicial facilities to the Unified Judicial System for occupancy by its components including the Supreme Court, the Court of Civil Appeals, the Court of Criminal Appeals, the State Law Library and the Administrative Office of Courts; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to authorize the issuance by the Authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the Authority may be used as security for State deposits and investment of public funds and fiduciary funds; to provide that no earnings of the Authority shall inure to private entities; and to provide for dissolution of the Authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 371 on page 9, line 36 by deleting the words "at any one time outstanding"

And the amendment was adopted.

Yeas 89; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Reed, Rice, Richardson, Rogers, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (G) and White (L).

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Nay: Rep. Rains. —1

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 371 as amended:

Amend H. B. 371, page 15, Section 16, line 24 after the word "entity" by adding the following: shall not be made with any firm or individual which offers legal services and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:30 P.M. on March 4, 1986.

H. 50	H. J. R. 129
H. J. R. 26	H. J. R. 131
H. J. R. 67	H. J. R. 132
H. J. R. 101	H. J. R. 134
H. J. R. 102	H. J. R. 176
H. J. R. 103	H. J. R. 188
H. J. R. 104	H. J. R. 222
H. J. R. 105	H. J. R. 223
H. J. R. 106	H. J. R. 224
H. J. R. 112	H. J. R. 225
H. J. R. 113	H. J. R. 227
H. J. R. 114	H. J. R. 228
H. J. R. 115	H. J. R. 229
H. J. R. 117	H. J. R. 189
H. J. R. 124	H. J. R. 190

H. J. R. 191
H. J. R. 192
H. J. R. 193
H. J. R. 196
H. J. R. 198
H. J. R. 199
H. J. R. 200
H. J. R. 201
H. J. R. 206
H. J. R. 207
H. J. R. 208
H. J. R. 209
H. J. R. 214
H. J. R. 215
H. J. R. 216
H. J. R. 220
H. J. R. 221

Delivered to the Governor at 4:30 P.M. on March 4, 1986.

H. J. R. 125
H. J. R. 127
H. J. R. 128
H. J. R. 158
H. J. R. 243
H. J. R. 244
H. J. R. 259
H. J. R. 260

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holmes and pursuant to the motion heretofore adopted, the House adjourned until 4:00 o'clock p.m., Wednesday, March 5, 1986.

Yeas 43; Nays 38.

Yeas:

Reps. Adams, Blakeney, Brakefield, Bryant, Bugg, Buskey (JL), Carothers, Clark (D), Clark (W), Cosby, Crow, Davis, Dutton, Faulk, Fuller, Gaston, Goodwin, Grayson, Hammett, Harper, Holmes, Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McNair, Mikell, Newman, Newton, Parker, Perdue, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Spratt and White (L).

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Nays:

Mr. Speaker, Albright, Bachus, Beasley, Blake, Boles, Bowling, Brooks, Browder, Burke, Butler, Campbell, Clark (J), Coburn, Coleman, Grouby, Hall, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Marietta, McMillan, Nicholson, Onderdonk, Poole, Pratt, Rice, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

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SEVENTEENTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, March 5, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Bob McKee, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—105

A quorum was present.

MOTION TO READ JOURNAL

Rep. Clark (J) offered the motion to read at length the Journal of the House of Representatives for the sixteenth legislative day.

SUBSTITUTE MOTION OFFERED

Rep. White (F) offered the substitute motion that the House adjourn until 1:00 o'clock p.m., Thursday, March 6, 1986.

SUBSTITUTE TO SUBSTITUTE MOTION

Rep. Clark (W) offered the substitute to the substitute motion that the House adjourn until 10:00 o'clock a.m., Thursday, March 6, 1986.

SUBSTITUTE TO SUBSTITUTE TO SUBSTITUTE MOTION ADOPTED

Rep. Adams offered the substitute to the substitute to the substitute motion that the House adjourn until 2:00 o'clock p.m., Thursday, March 6, 1986, and the substitute was adopted.

Yeas 48; Nays 36.

Yeas:

Adams, Bachus, Beasley, Biddle, Blake, Brooks, Browder, Bugg, Burke, Butler, Carter, Clark (J), Faulk, Fuller, Gaston, Grouby, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, McKee, McMillan, Mikell, Newman, Nicholson, Parker, Penry, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Spratt, Starkey, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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Nays:

Mr. Speaker, Albright, Black, Blakeney, Boles, Bowling, Box, Brakefield, Bryant, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Crow, Ford, Goodwin, Gray, Grayson, Hall, Hammett, Harvey, Holmes, Johnson (RW), Laird, Lauderdale, Marietta, Mathis, McNair, Melton, Newton, Onderdonk, Perdue, Rogers, Smith, Thomas and Trammell.

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ADJOURNMENT

On substitute offered by Rep. Adams, the House adjourned until 2:00 o'clock p.m., Thursday, March 6, 1986.

EIGHTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 6, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Robert Ellis, Zion Hill Baptist Church, Cuba, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas,

Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—103

A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT OF STANDING COMMITTEE ON RULES

Rep. Clark (J) offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the sixteenth legislative day and to adopt the report of the Standing Committee on Rules.

DIVISION OF THE QUESTION

Rep. Buskey (JE) called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the sixteenth legislative day, and the motion was lost, lacking a four-fifths vote.

Yeas 64; Nays 25.

Yeas:

Adams, Bachus, Beasley, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Burke, Campbell, Carothers, Carter, Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Moore, Newman, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (G) and White (L).

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Nays:

Mr. Speaker, Albright, Black, Bryant, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Dutton, Escott, Goodwin, Grayson, Harper, Holmes, Johnson (RW), Kennedy, Lauderdale, Martin, McNair, Newton, Perdue, Rogers, Spratt and Zoghby.

—25

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House of Representatives for the sixteenth legislative day, and the reading commenced.

The reading at length of the Journal of the House of Representatives for the sixteenth legislative day having been completed, the Journal was approved as read.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark, (J), the reading at length of the Journal, of the House for the seventeenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Kvalheim and Drake:

H. R. 286. COMMENDING KENNETH R. GIDDENS, RECIPIENT OF "THE SIGNIFICANT SIG AWARD."

Also:

By Reps. Kvalheim and Drake:

H. R. 287. COMMENDING DAVID O. ROBERTS OF MOBILE, ALABAMA.

Also:

By Rep. Fuller:

H. R. 288. CONGRATULATING COACH CORNELIUS REESE AND THE LAFAYETTE BULLDOGS ON THEIR 1986 STATE 4A BASKETBALL CHAMPIONSHIP.

Also:

By Reps. Turnham, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 289. CONGRATULATING OUR GOOD FRIEND VANNAH SEXTON ON THE BIRTH OF A FINE GRANDSON, FORREST CLAY HULL.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 400. Relating to Fayette County; to regulate further the expense allowance of the members of Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 466. Relating to Houston County; to regulate the election and tenure of the Houston County Commission; to provide for the at-large election of a full-time chairman of said commission; to provide for the election of part-time associate county commissioners from four election districts; to provide for qualifications and residency requirements; to provide for the filling of vacancies in such offices; and to provide for the creation of four county commission districts.

McDOWELL LEE,
Secretary.

REPORT FILED

Pursuant to Act 84 of the Regular Session of the Legislature of 1976 and Act 79-52 of the Regular Session of the Legislature of 1979, Senator Bobby E. Denton, Chairman, submitted the report adopted by the Joint Legislative Prison Committee, and the report was ordered filed.

MOTION TO ADJOURN TABLED

On motion of Rep. Rice, the motion offered by Rep. Johnson (RW) that when the House adjourns today, it will adjourn to meet again on Tuesday, March 18, 1986, was tabled.

Yeas 51; Nays 43.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Blake, Blakeney, Brooks, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kvalheim, Laird, Lindsey, McKee, McMillan, McNair, Payne, Penry, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

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Nays:

Mr. Speaker, Albright, Biddle, Black, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Campbell, Clark (D), Clark (W), Coburn, Crow, Davis,

Dutton, Goodwin, Grayson, Holley, Junkins, Kennedy, Lauderdale, Marietta, Martin, Mathis, McDowell, Melton, Moore, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Rogers, Spratt, Starkey, Thomas, Trammell, Warren and White (F).

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RESOLUTION

The following resolution was introduced:

By Reps. Biddle, Bachus, White (G), Beers, Pratt, Butler and Turner:

H. J. R. 290. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, March 6, 1986, we adjourn to meet again on Tuesday, March 18, 1986. The members shall not receive any compensation for the following dates: Monday, March 10, 1986; Tuesday, March 11, 1986; Wednesday, March 12, 1986; Thursday, March 13, 1986; and Friday, March 14, 1986.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Biddle offered the motion to suspend the rules and adopt the resolution, H. J. R. 290.

SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the resolution, H. J. R. 290:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the Legislature adjourns today, it adjourns to meet again on Tuesday, March 11, 1986.

MOTION TO TABLE LOST

The motion offered by Rep. Biddle to table the substitute offered by Rep. Venable to the resolution, H. J. R. 290, was lost.

Yeas 47; Nays 50.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Goodwin, Grayson, Harper, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Marietta, Martin, Mathis, McDowell, McNair, Melton, Moore, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Reed, Rogers, Spratt, Starkey, Thomas, Trammell and White (F).

—47

Nays:

Reps. Adams, Bachus, Beasley, Beers, Blake, Blakeney, Brooks, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Hettinger, Hooper, Johnson (RG), Kvalheim, Laird, Lindsey, McKee, McMillan, Mikell, Payne, Penry, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—50

SUBSTITUTE WITHDRAWN

Rep. Venable withdrew his substitute to the resolution, H. J. R. 290.

RESOLUTION ADOPTED

The question was then on the motion offered by Rep. Biddle to suspend the rules and adopt the resolution, H. J. R. 290, and the resolution was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Strong, Corbett, Langford, and Teague:

S. 184. To require the Department of Pensions and Security to charge a $1,000.00 (One Thousand Dollar) fee to be assessed as costs against the parties for investigation services performed in any cases involving adoption. This fee shall not apply to investigation services for cases in which a child was placed for adoption by the Department of Pensions and Security.

Also:

By Senator Ellis:

S. 336. To amend section 12-17-213, Code of Alabama 1975, which section relates to minimum service time required to qualify for supernumerary district attorney status, so as to provide further for the said minimum service time requirements.

Also:

By Senator Parsons:

S. 296. To prohibit persons from willfully harassing or interfering with persons lawfully hunting wild game in this state; and to prescribe penalties.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 184. Ways and Means.

S. 336. Ways and Means.

S. 296. Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Aldridge and Denton:

S. 206. Relating to "The Lifesaving Organ Procurement Act of 1986", to state the Legislative intent; to define the word "organ" and "attending

physician", to better provide for the public health by providing that on the occurrence of death of a patient in a hospital, who has not made an anatomical gift to take place upon death, the hospital administrator, or designated representative to request, of specified survivors, in accordance with Section 22-19-42 (b), Code of Alabama, 1975, in the order of priority stated, and when persons in prior classes are not available at the time of death, and in the absence of actual notice to the contrary by the decedent or one in a prior class, to consent to the gift of organs of the decedent's body; to provide such request and its disposition shall be noted in the patient's medical record; to provide, where, based upon medical criteria that such a request would not yield an anatomical gift which would be suitable for use, or, where, based upon the special and peculiar knowledge of the attending physician and/or concerning the circumstances surrounding the death of the patient, there is an exception to the request required by this Article and such determination shall be noted in the patient's medical record; to provide for immunity from civil damages or criminal prosecution to any person who acts in good faith accord; and to provide that the provisions of this Article are cumulative and, insofar as possible, shall be construed in pari materia with other laws relating to the public health and anatomical gifts.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 206. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Corbett:

S. 106. To require the Department of Pensions and Security to charge a fee of $20.00 (Twenty Dollars) per hour to be assessed as costs against the parties for investigation services performed in any cases involving divorce or divorce modifications.

Also:

By Senators Corbett, Drinkard, Bedsole, Hilliard, Menton, Teague, Bennett, Strong, Horn, Bedford, Aldridge, Barron, Dial, Ellis, deGraffenried, Smith (J), Foshee, Covington, Goodwin, Langford, Hand, Cooley, Bishop, and Parsons:

S. 341. Changing the name of the department of pensions and securities to the "Alabama state department of human resources" and providing for the efficient replacement of certain supplies used by such department.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the title of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 106. Ways and Means.

S. 341. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Corbett:

S. 222. To amend Sections 32-6-271, 32-6-272 and 32-6-274, Code of Alabama 1975, which provide for distinctive license plates for fire fighters, so as to provide further for said license plates.

Also:

By Senator Drinkard:

S. 398. To provide for the licensing by the Department of Revenue of salvage pools or businesses which sell or dispose of wrecked or damaged motor vehicles; to provide for the payment and distribution of fees; and to provide for penalties for violations.

Also:

By Senators Dixon and Langford:

S. 299. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 222. Ways and Means.

S. 398. Public Utilities and Transportation.

S. 299. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Bedsole:

S. 29. To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles

and equipment used in connection with timber theft may be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of theft laws of the State of Alabama wherein timber or lumber are the stolen items.

Also:

By Senator Smith (J):

S. 97. To amend Section 13A-10-30, which defines certain terms in the criminal code, so as to further define the term "escape"; provides that escape while on work release shall constitute a felony; and repeals Sections 14-8-42 and 14-8-67, Code of Alabama 1975.

Also:

By Senator Smith (J):

S. 98. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the plaintiffs, defendants or the state or the superintendent or any physician of a state mental health facility or hospital in criminal and civil proceedings, upon proper notice.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 29. Judiciary.

S. 97. Judiciary.

S. 98. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Langford:

S. 40. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as

provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 40. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Cabaniss:

S. 354. To establish an Alabama Men's Hall of Fame; prescribes its purposes and membership; and provides for election of members and officers and for holding of meetings.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 354. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Strong, Langford and Hand:

S. 136. To create the Mowa Choctaw Housing Authority; provide for the terms of the members and officers of the Authority; and provide for the powers of the Authority.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 136. Public Welfare.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Dial (With Notice and Proof):

S. 267. Relating to Clay County; providing further for the expense allowance and salary for the county coroner.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 267, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Teague (With Notice and Proof):

S. 518. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 518, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 267. Local Legislation No. 1.

S. 518. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Denton:

S. 25. To amend Section 36-27-16, Code of Alabama 1975, relating to the state employees' retirement system, so as to provide the same retirement mandates, qualifications and benefits for state aircraft pilots that are provided for state policemen.

Also:

By Senator Denton:

S. 276. To amend Section 40-12-198 of the Code of Alabama 1975, as amended, relating to the marking of vehicles operated by private and for-hire carriers.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 25. Ways and Means.

S. 276. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Ellis:

S. 316. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 316. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Parsons, Corbett, Drinkard, Strong, Holmes, Goodwin, Little, Denton, Amari, Langford, Bedford, Bennett, Hilliard, Menton, deGraffenried, Bishop, Horn, Teague, Foshee, and Ellis:

S. 170. To require all state entities and political sub-divisions thereof to purchase American made goods, to provide that contracts in violation are void, and to provide certain exceptions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 170. Business and Labor.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Covington:

S. 304. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 304. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Bailey, Mitchem, Hand, Bedford, Dial, deGraffenried, Langford, Foshee, Covington, Little, Aldridge, Denton, Teague, Goodwin, Menton, and Barron:

S. 235. To provide for the foster children of the state of Alabama an annual school clothing and supplies allowance.

Also:

By Senator Bedford:

S. 269. To authorize any county commission except counties with a population over 200,000 to establish the office of supernumerary county commissioner; to prescribe the qualifications and the duties of such officer; to provide notice to the public for the intention thereof; and to prescribe the benefits of such officer.

Also:

By Senators Aldridge and Denton:

S. 214. Relating to the acquisition and/or transportation of donor organs retrieved in Alabama; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, of organs retrieved in Alabama; but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of quality assurance; after Chairman establishes and promulgates initial standards of quality assurance, Chairman is to circulate proposed updating of quality assurance standards to institutions then performing organ transplantation, but Chairman shall still have final and sole decision to establish and promulgate whatever appropriate for updating standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation of organs retrieved in Alabama shall strictly adhere to and follow established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 235. Ways and Means.

S. 269. Ways and Means.

S. 214. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Bailey, Denton, Smith (J), and Bishop:

S. 344. To amend Section 2 of Act No. 85-124 which made certain appropriations from the general fund, so that the balance of the appropriation

made to the Children's Trust Fund shall not revert at the end of the fiscal year.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 344. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Hand, Foshee, Bedford, Menton, Ellis, Parsons, Bedsole, Dixon, Dial, Holmes, Strong, and Denton:

S. 75. To amend Section 16-13-58, Code of Alabama 1975, which provides for the State Board of Education to determine the amount of funds needed by each county and city from the Minimum Program Fund, so as to provide that the full cost of the Minimum Program be paid.

Also:

By Senator Barron:

S. 392. To amend Sections 22-21-20 and 22-21-27, Code of Alabama 1975, as amended, to include and provide for the licensure of home health agencies and hospice.

Also:

By Senator Bennett:

S. 405. To provide that support shall be ordered paid directly to the Department of Pensions and Security or its designee in cases which come within the requirements of Title IV-D of the Social Security Act, as amended; provides for the distribution of monies collected; provides for notice to the court of the location and address where monies shall be received; provides for contracting with a designated party; provides that the record of collections shall constitute the official payment record, and shall be prima facie evidence of the payment made by the obligor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 75. Ways and Means.

S. 392. Health.

S. 405. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Hand, Bedford, Bedsole, Mitchem, Dial, Foshee, Holmes, Cabaniss, Denton, Aldridge, Bishop, Teague, Barron, Strong, Cooley, deGraffenried, Smith (B), Goodwin, Menton, Smith (J), Figures, Dixon, Ellis, Covington, and Bailey:

S. 210. To create and establish a state forest industrial development board; to provide for the membership and meetings of such a board; to prescribe the responsibilities and functions for such board; and to make an appropriation from the state general fund for such board.

Also:

By Senators Dixon, Mitchem, Bedsole, Holmes, Goodwin, Langford, Foshee, Barron, Bennett, and Cabaniss:

S. 369. To further amend Section 34-9-18, Code of Alabama 1975, as amended, so as to provide that complaints before the Board of Dental Examiners and testimony, with respect thereto, are absolutely privileged; and to grant immunity from suit to the Board of Dental Examiners, certain members, agents, employees, consultants and others in connection with hearings and investigations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and forgoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 210. Ways and Means.

S. 369. Judiciary.

RESOLUTION

The following resolution was introduced:

By Rep. Buskey (JE):

H. R. 291. RELATING TO HOUSE STANDING COMMITTEES.

WHEREAS, The Legislature of Alabama is now in the last half of the 1986 Regular Session; and

WHEREAS, numerous bills are still pending in the House Standing Committees; and

WHEREAS, some of the bills presently pending in committees are of great importance to many members of the Alabama Legislature; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the House Standing Committees

are hereby directed to report the attached bills out of committee, which bills read as follows:

H. 21, H. 25, H. 131, H. 318, H. 363, H. 459, H. 471, H. 646, S. 265, H. 22, H. 116, H. 142, H. 246, H. 408, H. 449, H. 479, H. 484, H. 500, H. 501, H. 502, H. 537, H. 639, H. 644, H. 667, H. 294, S. 30, S. 32, S. 72, S. 99, S. 147, S. 164, S. 226, H. 3, H. 41, H. 52, H. 54, H. 55, H. 75, H. 79, H. 105, H. 147, H. 190, H. 191, H. 193, H. 221, H. 235, H. 286, H. 288, H. 311, H. 327, H. 329, H. 359, H. 360, H. 387, H. 390, H. 391, H. 394, H. 426, H. 431, H. 438, H. 474, H. 487, H. 495, H. 496, H. 497, H. 498, H. 509, H. 527, H. 529, H. 534, H. 550, H. 564, H. 566, H. 598, H. 607, H. 627, H. 654, H. 664, H. 678, H. 683, H. 699, H. 707, H. 711, H. 153, H. 610, H. 2, H. 5, H. 7, H. 10, H. 31, H. 32, H. 33, H. 35, H. 47, H. 49, H. 58, H. 60, H. 64, H. 67, H. 77, H. 85, H. 92, H. 93, H. 97, H. 11, H. 100, H. 102, H. 104, H. 111, H. 120, H. 124, H. 130, H. 134, H. 137, H. 138, H. 140, H. 141, H. 143, H. 144, H. 148, H. 149, H. 152, H. 157, H. 159, H. 160, H. 165, H. 166, H. 167, H. 168, H. 169, H. 173, H. 174, H. 177, H. 182, H. 189, H. 194, H. 199, H. 200, H. 205, H. 210, H. 229, H. 234, H. 236, H. 237, H. 238, H. 243, H. 244, H. 245, H. 254, H. 255, H. 262, H. 263, H. 269, H. 274, H. 277, H. 280, H. 281, H. 283, H. 285, H. 291, H. 302, H. 303, H. 304, H. 306, H. 314, H. 323, H. 330, H. 334, H. 338, H. 343, H. 354, H. 356, H. 362, H. 367, H. 369, H. 376, H. 378, H. 383, H. 395, H. 396, H. 397, H. 401, H. 404, H. 405, H. 406, H. 407, H. 409, H. 410, H. 411, H. 415, H. 417, H. 418, H. 419, H. 420, H. 421, H. 422, H. 423, H. 424, H. 429, H. 433, H. 434, H. 437 and H. 440.

The resolution, H. R. 291, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Martin:

H. 712. Providing that representation of utility consumers and agencies of the state government shall be the responsibility of the office of the Attorney General and providing for additional funding for the office of the Attorney General to enable such representation, amending Sections 37-1-16, 37-1-18 and 37-1-64, Code of Alabama (1975), as amended.

Committee on Ways and Means.

By Rep. White (L):

H. 713. Relating to health maintenance organizations; to provide that persons covered under a prescription drug plan of a health maintenance organization shall be able to select the pharmacy of his choice to provide services under any such plan.

Committee on Health.

By Reps. Carter, Martin, and Butler:

H. 714. Relating to the Alabama department of corrections; to provide hazardous pay for support personnel of the Alabama department of corrections and to make an appropriation.

Committee on Ways and Means.

By Rep. Martin:

H. 715. To amend Section 26-16-30 of the Code of Alabama 1975 relating to the Child Abuse and Neglect Prevention Board so as to further prescribe for disbursement of funds.

Committee on Public Welfare.

By Rep. White (L):

H. 716. Relating to hospitals financed by tax exempt bonds or granted tax exempt status; to limit the sale of prescription drugs and durable medical equipment by any such hospitals to patients of such hospitals.

Committee on Ways and Means.

By Reps. Davis and Zoghby:

H. 717. To provide that any police training school recognized by the Peace Officers Standards and Training Commissions shall establish an education and training program for law enforcement officers designed to acquaint them with domestic abuse issues.

Committee on Ways and Means.

By Reps. Gaston, Kvalheim, McMillan, Marietta, and Zoghby:

H. 718. To establish the Alabama Alzheimer's Disease Reporting Act; to require certain physicians or other persons representing or employed by hospitals, nursing care facilities, clinics and certain other facilities to report any diagnosis or discovery of Alzheimer's disease to the state board of health; to authorize the state board of health to release the information reported to certain persons and organizations for health-related research purposes; to require confidentiality as to identities of patients; and to authorize the state health officer to promulgate such rules and regulations as required to implement this act.

Committee on Health.

By Reps. Kvalheim, Harper, and Zoghby:

H. 719. To amend Section 41-16-3, Code of Alabama 1975, relating to the timely execution of public contracts by the state of Alabama, so as to include all public school systems within the state of Alabama.

Committee on Education.

By Reps. Preuitt and Johnson (RG):

H. 720. To amend Section 21-1-16, Code of Alabama 1975, so as to require certain medical and health providers and certain governmental agencies to inform the Alabama Institute for Deaf and Blind of all cases of blindness, to require said Institute to create and provide a register form, to provide for the confidentiality of said form and to grant information suppliers certain civil and criminal immunity.

Committee on Health.

By Rep. Faulk:

H. 721. To conditionally appropriate $600,000 of any available funds for the fiscal year 1985-86 to the Boll Weevil Eradication Foundation,

conditioned upon the United States Department of Agriculture's putting said eradication program in effect in Alabama and upon the Governor's approval.

Committee on Ways and Means.

By Rep. Campbell:

H. 722. To establish a student assistance program in the State of Alabama to be known as the Alabama Student Assistance Program, which will provide for state scholarships to students who have demonstrated a financial need and outstanding academic achievement, who are bona fide residents of Alabama, and who are enrolled in certain approved institutions of postsecondary education in Alabama; to set forth legislative findings and purposes underlying the Program; to provide funds for the scholarships payable under the Program; to designate the Alabama Commission on Higher Education to administer the Program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to establish various procedures and requirements concerning the availability of scholarships, applications for scholarships, approval and award of scholarships, renewal of scholarships, and revocation of scholarships; to provide for periods when there may be insufficient funds to provide each eligible student with a full scholarship for the terms requested; to provide a penalty for false statements or misrepresentations in connection with the procurement of scholarships; to make an appropriation funding the Program from the Special Education Trust Fund; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Committee on Ways and Means.

By Reps. Burke, Butler, Rice, Coleman, Venable, Mitchell, Tanner, Lauderdale, Lindsey, Dutton, Cosby, Junkins, Payne, Richardson, Newman, Carter, Gray, Gaston, Smith, Pratt, Britnell, Laird, and Crow:

H. 723. To require that all facilities providing abortions to provide persons seeking abortions with information on alternatives to abortion, to include the names and addresses of licensed maternity homes for unwed mothers, and to require the revocation of the facility's license to operate for failure to provide the required information.

Committee on Health.

By Reps. Burke, Rice, Butler, Coleman, Richardson, Lindsey, Hettinger, and Hall:

H. 724. To exempt the "Alabama June Jam" event held in Fort Payne, Alabama, sponsored by the musical group "Alabama" under the auspices of Alabama June Jam, Inc., from the payment of all state taxes.

Committee on Ways and Means.

By Rep. Dutton (With Notice and Proof):

H. 725. Relating to Lawrence County; providing for equalization of the salaries of certain clerks employed in the offices of certain elected county officials and prescribing guidelines for future salary increases for such clerks.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 725, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hooper, Mikell, Gaston, McMillan, Seibels, Starr, Kvalheim, Beers, Payne, Gray, Bachus, White (G), and Brooks:

H. 726. To create the Alabama Welfare Employment Services and Training Division of the Department of Pensions and Security; to prescribe its powers and duties; and to repeal sections 38-11-1 through 38-11-12, Code of Alabama 1975, which provides for the Alabama Human Resources Board.

Committee on Ways and Means.

By Rep. Laird:

H. 727. To repeal Section 25-10-6, Code of Alabama 1975, which created the small business advisory council, to reestablish the Small Business Advisory Council under the auspices of the Alabama Development Office; to provide for the duties, composition and compensation of said council.

Committee on Small Business.

By Reps. Butler, Drake, Coleman, Hettinger, Laird, Grouby, McMillan, Burke, Campbell, Carter, Lindsey, Clark (J), Carothers, Penry, Hammett, Bryant, Blakeney, Poole, Faulk, Beasley, Johnson (RG), Cosby, Gaston, Kvalheim, Rice, Sasser, Adams, Preuitt, White (L), Beers, Bachus, Seibels, White (G), Brooks, Mikell, and McKee:

H. 728. To create the Alabama Competitive Export Corporation; to establish a board of directors of the corporation, provide for the selection and terms of office of the board, and procedures for operation of the board; to describe the purposes, duties and powers of the corporation; to provide for the issuance of bonds by the corporation for such programs authorized by this act; to provide a program for interest subsidies, grants, loans and guarantees from program funds; to authorize the acquisition of insurance for bonds issued pursuant to the act; to establish an insurance fund; to provide programs for technical and management assistance, counseling and research; to exempt certain bonds of the corporation from requirements imposed by the Code of Alabama; and to require annual audits and reports and other matters related thereto.

Committee on Small Business.

By Rep. Laird:

H. 729. Relating to the tax levied on the leasing or rental of tangible personal property pursuant to section 40-12-222, Code of Alabama 1975, so as to provide that such tax shall not be passed on to a subsequent lessee of such property as a cost of the lease or rental, and such tax shall not be included as a part of the gross proceeds from the lease or rental.

Committee on Ways and Means.

By Rep. Junkins:

H. 730. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which

provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

Committee on Ways and Means.

By Rep. White (L):

H. 731. To amend Section 34-23-70 of the Code of Alabama 1975, relating to the operation and management of pharmacies, so as to provide for the return of medication under certain circumstances where each dose is individually sealed to prevent contamination.

Committee on Health.

By Reps. Butler, Burke, Beers, Hettinger, Bugg, Lindsey, Preuitt, Coleman, Crow, Junkins, Hooper, Richardson, Carter, Mikell, and McKee:

H. 732. To amend Section 34-24-51 of the Code of Alabama 1975 relating to practicing medicine or osteopathy without a license, so as to provide for exemption of accredited Christian Scientists practicing healing by spiritual means.

Committee on Health.

By Rep. Onderdonk:

H. 733. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

Committee on Constitution and Elections.

By Reps. Davis and Zoghby:

H. 734. To provide that any law enforcement officer who responds to a domestic relations disturbance shall advise any victim of such disturbance of the availability of shelter or other services in the community that can provide aid for such victim and shall further provide such victim with an immediate notice of any legal rights and remedies available.

Committee on Public Utilities and Transportation.

By Reps. Davis and Zoghby:

H. 735. To amend Sections 30-5-2 through 30-5-10, Code of Alabama 1975, the "Protection from Abuse Act," for protection orders for the purpose of preventing domestic abuse; provides for court jurisdiction and venue; provides for court hearings for petitions for relief; provides for the contents and the issuance of protection orders; and provides penalties for violations of protective orders.

WHEREAS, the legislature of the State of Alabama finds that:

Thousands of persons in this state are regularly beaten and abused and some are killed by their spouses or other family members;

Many pregnant women are subject to repeated beatings;

Children are often physically assaulted or witness violence against one of their parents and suffer deep and lasting emotional harm from victimization and from exposure to domestic violence;

Domestic violence is a major health and law enforcement problem in this state and one that affects people of all racial and ethnic backgrounds and all socioeconomic classes;

Domestic violence can be deterred, prevented, or reduced by legal intervention;

Tacit acceptance of domestic violence by courts and law enforcement agencies has resulted in under enforcement of criminal law when the offender and victim are related or cohabit even though criminal law does not distinguish between violence against strangers and friends or men and women;

Victims of domestic violence presently experience substantial difficulty in gaining access to police or court protection, particularly in obtaining prompt police and court response to emergencies; and

Victims of domestic violence have a right to be safe in their homes.

This act shall be liberally construed and applied to promote the following purposes:

To assure victims of domestic violence the maximum protection from abuse that the law can provide;

To create a flexible and speedy remedy to discourage violence and harassment against family members or others with whom the perpetrator has continuing contact;

To expand the ability of law enforcement officers to assist victims, to enforce the law effectively in cases of domestic violence, and to prevent further incidents of abuse;

To facilitate equal enforcement of criminal law by deterring and punishing violence against family members and others who are personally involved with the offender; and

To recognize that battering is a crime that will no longer be excused or tolerated.

And to provide for protection orders for the purpose of preventing domestic abuse; to provide for court jurisdiction and venue; to provide for court hearing for petitions for relief; to provide for the contents and the issuance of protection orders; and to provide penalties for violations of protective orders; now therefore,

Committee on Public Utilities and Transportation.

By Reps. Davis and Zoghby:

H. 736. To amend section 15-10-3, Code of Alabama 1975, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so as to provide that a law enforcement officer may arrest without a warrant in certain domestic abuse cases and when an officer has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state.

Committee on Public Utilities and Transportation.

By Reps. Davis and Zoghby:

H. 737. To provide that any law enforcement officer who responds to a call involving domestic abuse shall fill out and file a domestic abuse offense report.

Committee on Public Utilities and Transportation.

By Reps. Davis and Zoghby:

H. 738. To provide that any law enforcement officer acting in good faith and exercising due care in the making of an arrest pursuant to a domestic relations disturbance shall be immune from any civil liability.

Committee on Public Utilities and Transportation.

BILLS ON SECOND READING

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 190. (With Amendment): Relating to the Teachers' Retirement System of Alabama, the Employees Retirement System of Alabama, and the Judicial Retirement Fund; to provide that the statute of limitations for recovering payment of a forged retirement check shall not begin to run until the discovery of such forgery.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 359. To amend section 10-2A-111, Code of Alabama 1975, relating to procedures to amend articles of incorporation of Alabama business corporations.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 498. (With Amendment): To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to increase the penalty for failure to maintain such records.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 648. (With Substitute): To amend Sections 25-9-2, 25-9-7, 25-9-9, 25-9-10, 25-9-11, 25-9-12, 25-9-13, 25-9-14, 25-9-15, 25-9-19, 25-9-20, 25-9-22, 25-9-27, 25-9-29, 25-9-40, 25-9-41, 25-9-42, 25-9-60, 25-9-61, 25-9-62, 25-9-63, 25-9-80, 25-9-82, 25-9-83, 25-9-84, 25-9-86, 25-9-87, 25-9-88, 25-9-89, 25-9-130, 25-9-132, 25-9-133, 25-9-134, 25-9-151, 25-9-152, 25-9-170, 25-9-171, 25-9-173, 25-9-174, 25-9-175, 25-9-176, 25-9-191, 25-9-192, 25-9-210, 25-9-213, 25-9-230, 25-9-251, 25-9-252, Code of Alabama 1975, relating to coal mine safety, so as to provide further for the definition of certain terms and to provide further for the regulations regarding the duties of mine inspectors, mine examination reports, certificates of competency for fire bosses and mine foremen, the composition of the board of examiners, the examination fees, the qualifications for fire boss; provides a penalty for uttering false statements on applications for certificates of competency; provides for suspension, cancellation or revocation of certificates of competency and fees for duplication

of same, the qualifications of mine foremen in underground mines, the schedule of mine inspections; provides a penalty for failure to report and correct unsafe conditions, for the possession of controlled substances in or around the mines, the use of protective clothing; provides further for accidents and disasters, for mine fans, gases and ventilation, for explosives and blasting, for underground fire prevention and control, electrical equipment including flame safety lamps, roof support, hoisting and haulage, operation and maintenance of machinery, surface structures, transformers and practices, surface mining operations, sinking of bald shafts, for underground storage places and haulage roads, for the qualifications of the chief of the division of safety and inspections, and for enforcement of the provisons of this act.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 632. To require certain minimum deposits into a trust fund of proceeds of sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after effective date of this act; to provide for the supervision and control of such trust funds; to provide for the penalties for violation; for enforcement and supervision by the district attorneys of the several judicial circuits; and for related purposes.

H. 637. To amend Section 40-12-248, Code of Alabama 1975, as amended, so as to provide further for the weight and cost classifications of licenses for certain trucks and truck tractors which are owned and operated to transport certain farm or forest products; to provide for a weight variance for climatic conditions; and to provide that the provisions of this act shall be cumulative except to the extent there is a direct conflict.

H. 704. To amend Section 24-1A-4 of the Code of Alabama 1975, relating to appointment of members, officers and directors of the Alabama Housing Finance Authority, so as to provide further for the appointment procedure for certain members, officers and directors of said Authority and to make the provisions of this amendment retroactive.

H. 708. To amend section 34-25-24, Code of Alabama 1975, which relates to the issuance of licenses by the state polygraph examiners board to nonresident applicants who are licensed in another state, so as to provide further for the fees charged for the issuance of licenses to such applicants.

H. 700. To amend section 41-9-249.1, Code of Alabama 1975, which provides for state contracts for the salvage of archaeological treasures, so as to provide further for the distribution of proceeds received from said contracts.

S. 14. To amend Section 16-25-19, Code of Alabama, 1975, so as to expand the board of control of the Teachers' Retirement System from 13 to 14 members and to specify that the additional member shall be from the ranks of "retired members."

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 657. To amend Section 8-15-7, Code of Alabama (1975), which provides for insurance and bonding requirements for public warehouses so

as to allow a bond equivalent in lieu of a bond in the form of cash or government bonds; to amend §8-15-10, which provides civil penalties for operating a public warehouse without being licensed, from civil penalties to a Class "B" misdemeanor.

H. 702. To amend Section 2-19-131, providing for certification of the official cotton growers' organization to allow said organization to borrow funds for the purpose of eradicating the boll weevil; to amend Section 2-19-135, providing procedures to be used when assessments are not paid to also declare that assessments constitute a lien which the Commissioner of Agriculture and Industries is authorized to collect.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 114. Relating to the licensing of real estate brokers and salesmen; to amend Section 34-27-35 of the Code of Alabama 1975 so as to provide for certain continuing education requirements for license renewal.

S. 242. To amend Section 9-17-106 of the Code of Alabama 1975, relating to liquefied petroleum gas permit fees so as to increase the amount of permit fees.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 537. (With Amendment): To authorize the city council of any Class 5 municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and to authorize the city councils to provide by ordinance for the appointment of such commission.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 639. To amend Section 11-41-8, Code of Alabama, 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

H. 500. Proposing an amendment to the Constitution of Alabama of 1901 authorizing the legislature to provide by local law for the consolidation of all local governmental entities in Jefferson County, Alabama, into a new consolidated body corporate for the purpose of governing the county, provided further that any proposed local enabling law must be approved by a majority of the electors effected voting at an election held for such purpose.

The above bill was read a second time at length as required by the Constitution.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 228. Relating to Jackson County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

H. 12. Proposing an amendment to the Constitution of Alabama of 1901 relating to Shelby County so as to prohibit annexation of territory within Shelby County by out of county municipalities without a vote of the people of Shelby County.

The above bill was read a second time at length as required by the Constitution.

H. 348. Proposing an amendment to the Constitution of Alabama relating to prohibiting any municipality originally incorporated outside of Shelby County and having its city hall or municipal headquarters located outside of the boundaries of Shelby County from annexing any future territory in Shelby County without prior referendum approval of a majority of the qualified electors of Shelby County; and providing for such referendum elections.

The above bill was read a second time at length as required by the Constitution.

H. 368. To amend Act No. 39, H. 67, Second Special Session, 1971 (Acts 1971, p. 4173) to permit the application of chemical substances by aircraft in Shelby County under certain conditions.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 687. (With Amendment): Relating to Chilton County; to create a license-issuing division within the tax collector's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail, such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes, the issuance of licenses by the tax collector's office; and to transfer certain duties now performed by the tax assessor and probate judge to said office.

H. 688. (With Amendment): Relating to Colbert County; providing for the county governing body to reimburse the office of probate judge for any monetary loss resulting from the performance of official duties for erros of mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 689. Relating to Calhoun County, amending Act No. 84-403, H. 819, 1984 Regular Session, which levies an additional sales tax in the county, so as to provide further for the distribution of the proceeds of said tax and providing for a retroactive effect.

H. 691. Relating to Conecuh County; to provide for a special recording fee on documents filed in the office of the judge of probate; and to prescribe the use thereof.

H. 692. Relating to Chambers County; to authorize Chambers County to grant county ad valorem taxes exemptions, including real estate, equipment and supplies for up to five years to any manufacturing firm or facility; to provide that the tax exemption herein shall not affect taxes other than county ad valorem taxes; to provide for the county tax assessor to develop the necessary criteria to issue said exemptions subject to the approval of the Chambers County Industrial Board; and to provide for the procedures to be followed in the granting of such exemptions.

H. 694. Relating to Morgan County; providing for the reidentification of each qualified elector in the county.

H. 698. Relating to Washington County; providing a certain increase in compensation for the supernumerary tax collector in said county.

H. 703. Relating to Limestone County; to provide that any municipality whose corporate limits or boundaries include lands lying outside of Limestone County, must, in addition to all other requirements of law, obtain the consent of the Limestone County Commission before annexation of lands lying in Limestone County.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 705. (With Amendment): Relating to Franklin County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for a certain computerized branch office at Red Bay, Alabama; to provide certain duties for the division; to provide a procedure for handling cases involving invalid personal checks given for licenses and the voiding of such licenses; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 709. To provide an additional county salary supplement for the circuit judges of the thirty-seventh judicial circuit.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 635. Relating to Mobile County; to provide further that the Mobile County Commission pay the cost of advertising local bills within thirty days from receipt of the invoice.

H. 631. Relating to Mobile County; providing that the county commission shall call for a public hearing to be held a certain time prior to approving any landfill project in said county and empowering the county commissioner representing the commission district in which such proposed landfill is to be located with veto power over any commission decision approving such landfill project if such public hearing is not called as provided for in this act.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 629. (With Substitute): To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts, 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama, 1976, page 939), and as further amended by Act No. 84-623 of the Regular Session of 1984 (Acts of Alabama, 1984, page 1271), so as to clarify and designate the members of the Supervisory Committee of the Mobile County Personnel Board, to provide that the Presiding Judge of the Circuit Court shall serve as Chairman of the Supervisory Committee and to provide that he shall be entitled to vote only in case of a tie; to provide for an expense allowance and compensation for the members of the Personnel Board; to provide for employment of handicapped persons in the Civil Service System in Mobile County, providing preference for such persons with Civil Service Employment, and to repeal Act No. 84-623 of the Regular Session of 1984, Acts of Alabama, 1984, page 1271.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 575. Relating to Mobile County; establishing a branch of the license commissioner's office in the City of Citronelle.

H. 548. Pertaining to Mobile County; to exempt from all county, local, and municipal ad valorem taxes, certain property owned by The Federated Garden Clubs of Mobile County, Inc., a nonprofit corporation.

Rep. McKee, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 638. To amend Section 15 of Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), previously amended by Act No. 587, H. 1383, the Regular Session of the Alabama Legislature 1975, which act, as amended, creates in the City of Montgomery in connection with the regular organized and paid Fire Department of the City of Montgomery, the Montgomery Fire Fighters Pension Fund, so as to authorize the trustees of the Montgomery Fire Fighters Pension Fund through a majority of the Board of Trustees the power to repeal, alter, amend, delete, or otherwise in their discretion change the benefits available pursuant to the Montgomery Fire Fighters Pension Fund but not authorizing said trustees to stop or in any way take away or alter benefits presently being received by any member of the fund, presently receiving benefits therefrom, and expressly repealing Sections 16, 17, 18, 19, and 24.

H. 649. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to grant city ad valorem tax exemptions for up to fifteen (15) years to owner-developers who build new commercial or industrial facilities within the downtown business district as defined by the governing body of said city providing that such owner-developers receiving such exemptions shall, however, continue to pay city ad valorem property taxes on such property as was paid in the year preceding the improvement caused by the construction or development of the new commercial or industrial facility, to provide that the tax exemption herein shall not affect any taxes other than city ad valorem taxes; and to provide for the procedures to be followed in the granting of such exemptions.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. White (G):

H. R. 292. COMMENDING BOO SEIBELS AND "FRIEND."

Also:

By Rep. Laird:

H. R. 293. COMMENDING THE NEW HOPE VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 294. COMMENDING THE NEWELL VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 295. COMMENDING THE RANDOLPH COUNTY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 296. COMMENDING THE ROANOKE VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 297. COMMENDING THE BETHEL EAST VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 298. COMMENDING THE CORINTH VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 299. COMMENDING THE EAST RANDOLPH COUNTY VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

Also:

By Rep. Laird:

H. R. 300. COMMENDING THE MORRISON CROSS ROADS VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO RANDOLPH COUNTY.

ADJOURNMENT

On motion of Rep. Johnson (RW) and pursuant to the resolution, H. J. R. 290 heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, March 18, 1986.

NINETEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 18, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Delmus Anthony, New Prospect Baptist Church, Jasper, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the eighteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighteenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 172. COMMENDING MR. AND MRS. JAMES VERGIL NOLEN ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 173. MOURNING THE DEATH OF CHARLES H. STONE OF GURLEY, MADISON COUNTY, ALABAMA.

Also:

H. J. R. 174. COMMENDING ATLANTA CITY COUNCILMAN JOHN LEWIS AND WELCOMING HIM TO LIVINGSTON UNIVERSITY AND WEST ALABAMA.

Also:

H. J. R. 175. COMMENDING MR. WILLIAM MYERS JOHNSON FOR OUTSTANDING CONTRIBUTIONS TO THE CITIZENS OF HUNTSVILLE, ALABAMA, AND THE BROTHERS OF KAPPA ALPHA PSI FRATERNITY, INCORPORATED.

Also:

H. J. R. 178. COMMENDING C. LeNOIR THOMPSON, BAY MINETTE CITIZEN OF THE YEAR, 1985.

Also:

H. J. R. 182. MOURNING THE DEATH OF FRANK DANIELS, JUNIOR.

Also:

H. J. R. 235. COMMENDING KAPPA ALPHA PSI FRATERNITY.

Also:

H. J. R. 236. COMMENDING JAMES H. JOHNSON OF MENTONE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AS GENERAL MANAGER OF THE FARMERS TELEPHONE COOPERATIVE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 266. COMMENDING THE "ALABAMA CHORAL EXPLOSION."

Also:

H. J. R. 268. COMMENDING MITCH STRICKLAND OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 270. COMMENDING THE JEFFERSON COUNTY RETIRED SENIOR VOLUNTEER PROGRAM.

Also:

H. J. R. 271. COMMENDING THE LEFLORE HIGH SCHOOL RATTLERS AND ITS COACH, JOHNNY SHELWOOD, OF MOBILE, ALABAMA FOR WINNING THE ALABAMA HIGH SCHOOL BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 272. COMMENDING LEIGH ANN SIMPSON OF ASHVILLE, ALABAMA, ON BEING ELECTED PRESIDENT OF THE ALABAMA 4-H COUNCIL.

Also:

H. J. R. 274. COMMENDING BRETT BENEFIELD AND TIM SIMMONS FOR OUTSTANDING HEROISM.

Also:

H. J. R. 281. COMMENDING THE EMMA SANSOM HIGH SCHOOL BAND OF GADSDEN, ALABAMA.

Also:

H. J. R. 282. COMMENDING JAMES L. BUSBY OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 661. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 400. Relating to Fayette County; to regulate further the expense allowance of the members of Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Also:

H. 466. Relating to Houston County; to regulate the election and tenure of the Houston County Commission; to provide for the at-large election of a full-time chairman of said commission; to provide for the election of part-time associate county commissioners from four election districts; to provide for qualifications and residency requirements; to provide for the filling of vacancies in such offices; and to provide for the creation of four county commission districts.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 377. To provide conditional appropriations of $14,367,400 to certain state agencies for the fiscal year ending September 30, 1986; and to provide that certain provisions of this act shall be retroactive.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coburn, the House concurred in and adopted the Senate amendment to the bill, H. 377, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide a supplemental appropriation of $7,600,000 to the Department of Pensions and Security from the State General Fund for FY 1985-86 and to provide a conditional appropriation of $6,750,000 to the Department of Pensions and Security from the State General Fund for FY 1985-86 to pay awards made by the Board of Adjustment due to the default of payments to state agencies by the Department of Pensions and Security in FY 1984-85; to provide a supplemental appropriation of $3,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1986; and to provide that certain provisions of this act shall be retroactive.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Department of Pensions and Security from the State General Fund the amount of $7,600,000 for the fiscal year ending September 30, 1986. The intent of this appropriation is to insure adequate staffing of county offices and to continue the former "Title XX" Day Care program.

Of this amount, $1,100,000 is hereby appropriated to be used solely for the purpose of providing performance salary advances for employees of the Department of Pensions and Security. These funds shall be used solely to make payments for the salary of any employee who otherwise qualifies during the fiscal year 1985-86 for a performance salary adjustment within their assigned pay range, but may not receive such salary adjustment due to a declaration by the department that funds are unavailable for such purpose. It being the intent of the Legislature that appropriate compensation to such

employees shall be retroactive from the time the performance salary advancement was due.

Section 2. (a) The Board of Adjustment, during the fiscal year 1985-86, shall hear and issue decisions on claims made against it by state agencies concerning obligations owed to them by the Department of Pensions and Security from fiscal year 1984-85. Each department may submit to the Board of Adjustment a claim setting out the total amount owed to them by the Department of Pensions and Security, and any other information as may be required by the Board of Adjustment for its findings of fact and its findings and awards as to the amount of payment.

(b) In addition to all other appropriations heretofore or hereafter made, there is hereby conditionally appropriated to the Department of Pensions and Security, Social Services Program from the State General Fund the amount of $6,750,000 for the fiscal year ending September 30, 1986, to be utilized for payment of awards which may be made by the Board of Adjustment due to the default of payments to state agencies by the Department of Pensions and Security in the fiscal year ending September 30, 1985.

(c) Such funds as set out above are conditional upon the availability of funds in the State General Fund and shall remain in the State General Fund until said funds have been awarded by the Board of Adjustment and the release of said funds has been determined and recommended by the Finance Director and approved by the Governor.

Section 3. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated to the Department of Mental Health and Mental Retardation from the State General Fund the amount of $3,000,000 for the fiscal year ending September 30, 1986 to provide additional funding for Title XX programs.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declarations shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby specifically repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell,

Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 214. To amend Section 6-3-7, Code of Alabama, to provide that actions against foreign corporations for personal injuries must be commenced in the county where the injury occurred or in the county where the plaintiff resides if such corporation does business by agent in the county of plaintiff's residence; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

H. 219. Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and providing that the Legislature of the State of Alabama shall have the authority to provide in which county suit against such corporations shall be brought and maintained.

The above bill was read a second time at length as required by the Constitution.

H. 216. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

H. 218. To provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, punitive damages as defined within this Act must be proved beyond a reasonable doubt, shall be set by the judge not to exceed the amount of any damages assessed against the defendant other than punitive damages or $100,000.00 whichever is less after determination of the liability for such by the jury or other trier of fact; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

H. 217. To provide that in all civil actions in the courts of the State of Alabama, the sufficiency of any claim or defense shall be tested by a minimum standard of proof of substantial evidence; to provide that substantial evidence shall be minimum standard of proof to determine whether an issue of fact shall be submitted to a jury; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions

fordirected verdict, motions judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 623. (With Substitute) (With Amendment): Relating to the regulation of the production of oil and gas in this State; to amend Sections 9-17-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, to define an oil or gas pool, to define an oil or gas field, to define waste to permit gas produced from a gas well to escape into the air for safety reasons, to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity, and to define NGPA as the federal Natural Gas Policy Act of 1978; to amend 9-17-6, Code of Alabama 1975, to authorize the Board to regulate enhanced recovery methods, including Class II injection wells; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend 9-17-13, Code of Alabama 1975, to clarify the definition of enhanced recovery methods; to amend Section 9-17-24, Code of Alabama 1975, to authorize the Board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees, and application fees shall be paid into the State Oil and Gas Board Special Fund; to amend Sections 9-17-25, 9-17-26, and 9-17-31, Code of Alabama 1975, to clarify the definition of oil and gas; to amend Section 40-20-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, and to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 410. To amend Sections 11-65-16, 11-65-19 and 11-65-22 of the Code of Alabama 1975, relating to the requirements that must be satisfied by any person or entity applying for a license to own or operate a horse racing facility or for permission to acquire an interest in the holder of such an operator's license, so as to eliminate any requirement that any such person or entity (or any director or officer thereof) must be or must have been for any specified period of time a resident of the State of Alabama; and to

provide that the provisions of this act shall apply both prospectively and retrospectively except in certain specified cases.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 727. To repeal Section 25-10-6, Code of Alabama 1975, which created the small business advisory council, to reestablish the Small Business Advisory Council under the auspices of the Alabama Development Office; to provide for the duties, composition and compensation of said council.

H. 728. To create the Alabama Competitive Export Corporation; to establish a board of directors of the corporation, provide for the selection and terms of office of the board, and procedures for operation of the board; to describe the purposes, duties and powers of the corporation; to provide for the issuance of bonds by the corporation for such programs authorized by this act; to provide a program for interest subsidies, grants, loans and guarantees from program funds; to authorize the acquisition of insurance for bonds issued pursuant to the act; to establish an insurance fund; to provide programs for technical and management assistance, counseling and research; to exempt certain bonds of the corporation from requirements imposed by the Code of Alabama; and to require annual audits and reports and other matters related thereto.

H. 676. Relating to the tax levied on the leasing or rental of tangible personal property pursuant to section 40-12-222, Code of Alabama 1975, so as to provide that federal, state or local governmental entities, or their agencies, shall not pass on such tax to a subsequent lessee of such property as a cost of the lease or rental, and such tax shall not be included as a part of the gross proceeds from the lease or rental.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 518. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 696. (With Amendment): To further amend section 17-4-156, Code of Alabama 1975, as amended, relating to the meeting days, so as to authorize certain county boards of registrars to meet additional days if, in the discretion of the chairman of the county commission, it is warranted; to provide for retroactive effect commencing October 1, 1985.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Drake, Holley, Clark (J), and Coburn:

H. 739. To make an appropriation of $98,000 from the State Industrial Development Authority Application Fees Fund to the State Industrial Development Authority for the fiscal year ending September 30, 1986.

Committee on Ways and Means.

By Reps. Drake, Clark (J), Coburn, and Holley:

H. 740. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to provide for the payment of capitalized interest from the proceeds from the sale of bonds of the authority for a period not to exceed one year from the date of issuance of such bonds; and to provide that rent payments by the state or any of its agencies shall be due in accordance with the provisions of any lease by the authority of any of its facilities.

Committee on Ways and Means.

By Rep. Clark (J) (With Notice and Proof):

H. 741. Relating to Barbour County, providing for the election of the County Board of Education; adopting single-member districts and repealing all conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 741, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 742. To amend Section 34-3-16 and Section 34-3-30, Code of Alabama 1975, to provide for the election of the officers of the Alabama State Bar and expansion of the membership of the Board of Bar Commissioners, with provisions for their selection and terms of office.

Committee on Judiciary.

By Rep. Blake:

H. 743. To regulate rental-purchase agreements; to require disclosure of certain information by the merchant to the consumer; to authorize reinstatement of agreements under certain conditions; to regulate advertising for rental-purchase agreements; to provide for damages for violations of this act; and to amend Section 5-19-1, Code of Alabama 1975, which defines certain terms for consumer finance purposes, so as to exclude rental-purchase agreements from the definition of credit sale.

Committee on State Administration.

By Reps. Richardson and Burke:

H. 744. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to remove the requirement that the vehicle's identification number plates must be returned to the Department of Revenue in certain instances when the vehicle is changed or is damaged to a certain

extent, and to remove the requirement that the title of a rebuilt motor vehicle must be stamped rebuilt in certain instances.

Committee on State Administration.

By Reps. Richardson and Burke:

H. 745. To amend section 36-30-20, Code of Alabama 1975, which relates to the compensation for death or disability of peace officers and firemen to include revenue enforcement officers employed by the revenue department.

Committee on Ways and Means.

By Reps. Starr and McKee:

H. 746. Relating to the 15th Judicial Circuit of Alabama; providing for and establishing investigators for the district attorney's office; providing for the hiring, salaries, expenses, authority and duties of such investigators and to specifically repeal Act No. 456, S. 394, of the 1973 Regular Session (Acts 1973, p. 645).

Committee on Ways and Means.

By Reps. Bryant and Cosby:

H. 747. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1987.

Committee on Ways and Means.

By Rep. Britnell:

H. 748. To amend Section 40-6-5 of the Code of Alabama 1975, relating to certain supernumeraries, so as to provide further for allowing such supernumeraries to purchase certain prior service credit under such supernumerary system.

Committee on Ways and Means.

By Rep. Burke (With Notice and Proof):

H. 749. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Valley Head, in DeKalb County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 749, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 750. Relating to Limestone County; to authorize the county commission to provide for hospital and medical insurance of retired county employees.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 750, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Trammell and Boles:

H. 751. To further amend Section 40-12-248, Code of Alabama 1975, as last amended, relating to license taxes and registration fees on certain truck and truck tractor vehicles.

Committee on Ways and Means.

By Rep. Black (With Notice and Proof):

H. 752. To amend the title and Sections 4 and 5 of Act No. 83-480, H. 669, 1983 Regular Session (Acts 1983, p. 672), entitled "An Act Relating to Sumter County, levying a fee on all hazardous and non-hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation" so as to provide further for redistribution of certain funds and to create the South Sumter County Development Authority.

Committee on Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 752, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Kennedy, Buskey (JE), and Clark (W) (With Notice and Proof):

H. 753. Relating to Mobile County, directing the Mobile County Board of School Commissioners to designate Martin Luther King's birthday as a legal holiday for school system purposes.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 753, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black:

H. 754. To amend Section 33-17-8 of the Code of Alabama 1975, relating to the powers granted to the Tombigbee Valley Development Authority, so as to expand and clarify the powers of said authority with respect to the acquisition, leasing and conveyance of property.

Committee on Local Government.

By Rep. Beasley (With Notice and Proof):

H. 755. To divide Houston County into five single-member districts for the purpose of electing the members of the county governing body; to create the Houston County Board of Commissioners consisting of five part-time commissioners who shall be elected from districts and a full-time chairman who shall be elected from the county at-large; to constitute such Board and the chairman as the governing body of Houston County, and vesting them with the duties of the governing of such county; to provide for the election

of one member of such body from each district by the qualified voters of the district and a chairman who shall be nominated and elected at the primary and general elections in 1986 and every subsequent four years; and to provide for the selection of a President and a Vice-President by and from the five elected district Commissioners on a rotating basis so that each district Commissioner shall so serve for one-fifth of his or her four year term.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Preuitt:

H. 756. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1987.

Committee on Ways and Means.

By Rep. Harvey (With Notice and Proof):

H. 757. Relating to Blount County; To provide for a special recording fee of $2.00, in addition to all existing recording fees and charges, for each such document hereinafter filed for record in Blount County; and to provide for the expenditure of the funds in the office of the judge of probate.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 757, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Junkins and Bugg:

H. 758. To exempt the Humane Society of Etowah County from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Reps. Spratt, Rogers, Davis, Perdue, and Payne (With Notice and Proof):

H. 759. Relating to the City of Birmingham, Jefferson County, Alabama; providing for the election of the members of the city board of education from single-member districts.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 759, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Harper, and Beasley:

H. 760. To characterize the relationship between a depositor and a depository institution and to distinguish between special and general deposits.

Committee on Banking.

By Reps. Harper, Drake, Box, Clark (W), Gaston, Zoghby, Kennedy, Turner, Buskey (JE), and Marietta:

H. 761. To amend Section 33-4-48, Code of Alabama 1975, which provides for bar pilot fees, so as to provide further for said fees.

Committee on State Administration.

By Rep. Parker (With Notice and Proof):

H. 762. Relating to the city of Hartselle in Morgan County, Alabama; authorizing the city governing body to increase the membership of the Utilities Board of the city of Hartselle to expend certain sums of money and to increase utility rates and providing for a referendum election on the provisions of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 762, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 763. Relating to the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority in Morgan County; providing further for such distribution so as to include the Morgan County Board of Education in said distribution; and repealing Act No. 85-661, S. 411 of the Regular Session 1985 (Acts 1985, p. 1054), and all other provisions of law conflicting with the provisions of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 763, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rogers, McNair, and Perdue:

H. 764. To amend Section 25-2-2, Code of Alabama 1975, which provides for the functions and duties of the Department of Industrial Relations so as to include administration of those functions under the federal Job Training Partnership Act, or successor federal laws, which are the responsibility of the Governor, and to provide further for the transfer of the Office of Employment and Training Division from the Department of Economic and Community Affairs to the Department of Industrial Relations.

Committee on Ways and Means.

By Reps. Johnson (RG) and Preuitt (With Notice and Proof):

H. 765. Relating to the City of Sylacauga in Talladega County; authorizing branch banking.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 765, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. White (G), Beers, Bachus, and Seibels (With Notice and Proof):

H. 766. Relating to Jefferson County; to establish a county commission comprised of five part-time county commissioners elected from five commission districts; to establish said commission districts; to provide for terms of office and for filling vacancies in office; to provide for the office of a full-time county manager appointed by the commission to serve under the county merit system; to provide that the county manager shall be the chief executive and administrative officer of the county to carry out the broad policies and objectives of the county commission in administering the functions of county government to be distributed to the county manager; to provide for establishing the different departments and divisions of county government to carry out said governmental functions; to provide for compensation, mileage and per diem expenses; to provide that the county commission shall have the authority and power to promulgate rules and regulations to carry out the provisions of this act; to provide for the authority of the county commission to levy general and special taxes; to provide for delegation by the commission of certain rights and authority conferred by law and by court order to the county manager; to provide that the county commissioners shall not be individually liable for monies paid improperly and unlawfully unless such sums knowingly and willfully were allowed to be paid by such commissioners; and to repeal Act No. 271, H. 824 of the 1931 Regular Session (Acts of 1931, p. 298), entitled, "An Act To abolish the Board of Revenue or Commissioners Courts in all counties in this state having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census and to establish in such counties a County Commission; to provide for the election of the members of the said Commission, to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof," as amended by Act No. 89, H. 373 of the 1935 Regular Session (Acts of 1935, p. 157), entitled, "An Act To amend Sections 2 and 3 of Act approved June 16, 1931, entitled, 'An Act to abolish the Board of Revenue or Commissioners Courts in all counties in this state having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census and to establish in such Counties a County Commission; to provide for the election of the members of the said Commission, to fix the term of office, to define the powers and duties of such Commission and to fix the compensation of the members thereof,' (General Acts 1931, page 298); to provide the terms of office, the designation thereof, and methods of election of said Commissioners; to provide for the successors of the present Commissioners; to provide for the filling of vacancies by election in the office of said Commissioners, and in other respects," and Act No. 17, H. 40 of the 1939 Special Session (Acts of 1939, p. 18), entitled, "An Act To further regulate, define and distribute the powers and duties of County Commissions and County Commission members in all Counties in this State having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census"; and to repeal other conflicting laws.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 766, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Flowers (With Notice and Proof):

H. 767. To authorize the governing body of Pike County, Alabama, to levy and collect special county privilege and license taxes, paralleling the

state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county in an advisory referendum; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes by the Troy-Pike County Lake Authority for the Walnut Creek Lake Project if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an advisory referendum election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 767, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Newman (With Notice and Proof):

H. 768. To amend the title and Section 1 of Act No. 82-317, H. 793 of the 1982 Regular Session (Acts 1982, p. 429) relating to allocation and distribution of certain oil and gas privilege tax revenues accruing to Fayette County or any municipality therein, so as to provide further for such allocation and distribution.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 768, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger, Drake, Butler, Carter, Albright, Brooks, Richardson, and Burke:

H. 769. To provide for the incorporation of the Alabama Space Science Exhibit Finance Authority; to provide for the Authority's members, officers and directors; to empower the Authority to acquire and hold title to real and personal property and to sell, convey or lease that property; to provide for the leasing of facilities owned by the Authority to certain entities; to authorize the sale and issuance of bonds and refunding bonds by the Authority and to grant mortgages upon security interests in its facilities and to pledge for payment on its bonds the rents and revenues from such facilities; to provide the Authority has the same power of eminent domain as the State; to provide temporary loans in anticipation of the issuance of bonds; to provide for the disposition of proceeds from the sale of bonds issued by the Authority; to provide that the principal of, premium, if any, and interest on the bonds shall be secured by rents and revenues of facilities, proceeds from the sale of the facilities, unexpended bond proceeds, insurance proceeds and/or mortgage or security interest in the facilities; to exempt the property of the Authority from taxation; to provide that venue for any action arising out of this Act shall be the circuit court of Madison County, Alabama; to provide for dissolution of the Authority; to exempt the Authority from the competitive bid law; to exempt the Authority from the Sunset Law; to

provide that the provisions of the Act are severable; and to provide an effective date.

Committee on Commerce and Industrial Development.

By Reps. White (G), Gray, Boles, Trammell, Newton, Beers, Bachus, Seibels, McDowell, and Rogers (With Notice and Proof):

H. 770. Relating to Jefferson County; providing for the election and compensation of the county commission; and specifically repealing Act No. 82-99, H. 79, 1982 Regular Session (Acts 1982, p. 128), relating to the salaries of the county commission.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 770, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Warren (With Notice and Proof):

H. 771. Relating to Conecuh County; providing for the election of the County Board of Education; providing for the division of Conecuh County into five single-member County School Board Districts; providing for the term of office; and repealing all conflicting laws.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 771, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Starkey and Clark (D) (With Notice and Proof):

H. 772. Relating to Lauderdale County; levying a lodging tax, providing for the collection and distribution of said tax.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 772, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Kvalheim and Gaston:

H. 773. To amend section 32-5-222, Code of Alabama 1975, which requires child passenger restraints in motor vehicles, so as to exempt taxicabs from the requirement.

Committee on Highway Safety.

By Reps. Venable and Mikell:

H. 774. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Elmore County, would authorize the legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local

districts within Elmore County as public corporations to provide local public services, including the fighting and prevention of fires and the operation of emergency medical services, including rescue and ambulance services, to provide for the fixing, levy and collection by such districts of rates, fees and charges for such services, penalties for nonpayment and liens upon the property within such districts; and to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Venable (With Notice and Proof):

H. 775. Relating to Coosa County; to provide further for the composition of the county commission; to provide that the judge of probate of Coosa County shall serve as a voting chairman on said commission; to provide for the election of the five associate commission members from single member districts within Coosa County; to provide for the terms of said commissioners; to provide that the associate members must reside within the boundaries of their district; to prescribe the salaries and duties of the associate commissioners; to prescribe the boundaries of certain districts; to empower the Coosa County Commission to determine the boundary line of certain commission districts; to empower said county commission to reapportion itself at certain times; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county administrator and to prescribe the duties of the county administrator; to provide for the employment of a county engineer, and to prescribe the duties and responsibilities of such county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines and to provide that this act shall be null and void on the first Monday after the second Tuesday in January 1991.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 775, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable (With Notice and Proof):

H. 776. Relating to Coosa County; providing for the districts and election of the members of the county board of education.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 776, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable (With Notice and Proof):

H. 777. To repeal Act No. 316, H. 294, approved September 16, 1975, Regular Session 1975 (Acts 1975, p. 851), entitled, "An Act Relating to

Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 777, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable (With Notice and Proof):

H. 778. To repeal Act No. 696, H. 1389, approved October 2, 1975, Regular Session 1975 (Acts 1975, p. 1451), entitled, "An Act Relating to Coosa County; providing annual monthly expense allowances for the tax assessor, tax collector and circuit clerk of said county and giving this act retroactive effect."

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 778, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable (With Notice and Proof):

H. 779. To repeal Act No. 352, H. 929, approved September 16, 1975, Regular Session 1975 (Acts 1975, p. 891), entitled, "An Act Relating to Coosa County; providing additional expense allowance for the members of the county commission, making the provisions of this act retroactive."

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 779, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dutton (With Notice and Proof):

H. 780. Relating to Lawrence County; prescribing certain guidelines to be used in determining the salary and expense allowances of the county superintendent of education.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 780, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gaston and Kvalheim:

H. 781. To exempt the Mobile Youth Athletic Board from the payment of all state sales and use taxes.

Committee on Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 782. Relating to Mobile County; to provide that any authority or board operating in Mobile County selling water or gas to the public or

industry, will be subject to the rules and regulations of the Public Service Commission of the State of Alabama.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 782, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 783. Relating to Mobile County; establishing a race track regulating authority for motor cross racing or stock car racing in Mobile County.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 783, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turner, Zoghby, and Kvalheim (With Notice and Proof):

H. 784. Relating to Mobile County, authorizing that the medical examiner may provide cornea tissue transplants.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 784, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bugg, Escott, Kennedy, Zoghby, McDowell, Junkins, and Marietta:

H. 785. To provide that all salaries of employees of public educational institutions shall be a matter of public record and to provide penalties for violations.

Committee on Education.

By Rep. Butler:

H. 786. To amend Section 40-23-1 of the Code of Alabama 1975 relating to definitions in the state sales tax code, so as to provide further for the definition of "sale at retail" or "retail sale."

Committee on Ways and Means.

By Rep. Lindsey (With Notice and Proof):

H. 787. Relating to Cherokee County; to amend Act No. 80-353, H. 981, 1980 Regular Session, which provides compensation for the members of the county commission, so as to provide further for travel allowances for said members and to provide for its retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 787, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Pratt, White (G), Beers, Gray, Biddle, Bachus, Rogers, Payne, and Newton (With Notice and Proof):

H. 788. Relating to Jefferson County; providing further for the compensation of the executive assistant to the Sheriff of Jefferson County.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 788, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Pratt, White (G), Beers, Gray, Biddle, Bachus, Rogers, Payne, and Newton (With Notice and Proof):

H. 789. Relating to Jefferson County; to amend further Section 2 of Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181), as amended by Act No. 84-616, H. 695, 1984 Regular Session (Acts 1984, P. 1255), relating to the compensation of the executive assistant to the sheriff of Jefferson County so as to provide clarification of said compensation of the executive assistant.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 789, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Pratt, Biddle, Perdue, Boles, Spratt, Bachus, Escott, Davis, Rogers, Newton, and Gray (With Notice and Proof):

H. 790. Relating to Jefferson County; providing a uniform compensation schedule for all law enforcement officers in the sheriff's department.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 790, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Pratt, Bachus, Boles, McDowell, Newton, and Trammell (With Notice and Proof):

H. 791. Relating to the 10th Judicial Circuit in Jefferson County; to amend Section 1 of Act No. 245, H. 845, Regular Session 1975 (Acts 1975, p. 773), an act providing for the appointment, duties, and compensation of the First Assistant Deputy District Attorney, Second Assistant Deputy District Attorney, Third Assistant Deputy District Attorney, and Fourth Assistant Deputy District Attorney.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 791, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Trammell, Payne, Boles, McNair, White (G), Pratt, Spratt, Newton, Gray, and Davis (With Notice and Proof):

H. 792. Relating to Jefferson County, providing further for the certification of names by the board of registrars.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 792, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 10:00 o'clock a.m., Thursday, March 20, 1986.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Blake:

H. J. R. 301. COMMENDING LAURIE LYNN GUNTER, "MISS ST. CLAIR COUNTY."

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Laurie Lynn Gunter, of the Bethel/Moody communities near Pell City, as "Miss St. Clair County"; and

WHEREAS, the lovely and charming Miss Gunter, now a senior at the University of Alabama-Birmingham, majoring in education and psychology, is a graduate of St. Clair County High School where she was honored as Girl's State representative, Junior High Miss Yuletide, Most Athletic, Most Popular, Most Photogenic and All-County in basketball; she further was a member of the Beta Club, led the Sound of the Saints Marching Band as Drum Majorette and graduated in the top twenty-five percent of her class; and

WHEREAS, she also attended Samford School of Nursing, representing the University in speaking to elementary school students regarding career decisions, and where she was pledged to Chi Omega Sorority; and

WHEREAS, Miss Gunter, who is very active as a member of Bethel Baptist Church, has served her church in such capacities as adult choir member, leader and director of a preschool choir, preschool Sunday School teacher and as alto singer for the adult Christian ensemble called, "SHARE"; and

WHEREAS, in other outstanding achievement, she was county and district winner in speech contests sponsored by the Southern Baptist Association; is a substitute teacher at St. Clair County High School and is engaged in private tutoring; has worked as a youth counselor for the Baptist

Assembly Shocco Springs G. A. Camp; and has performed in lead roles, with several solos, in the Leeds Drama Club production of "Oklahoma"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and to express sincere best wishes for success in the "Miss Alabama" pageant and future life, we hereby most highly commend Laurie Lynn Gunter, for whom a copy of this resolution shall be provided.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 301, was adopted.

Also:

By Rep. Blake:

H. J. R. 302. NAMING "INDUSTRIAL DRIVE" IN RAGLAND, ALABAMA, THE "JESSE FORD DRIVE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the thoroughfare in Ragland, Alabama, known as "Industrial Drive," is hereby named and designated as the "Jesse Ford Drive" in honor of city councilman and longtime resident of Ragland, Mr. Jesse Ford.

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said "Jesse Ford Drive."

RESOLVED FURTHER, That in recognition of and in gratitude for outstanding service to the City of Ragland and all citizens thereof, a copy of this honorary designation of the Alabama Legislature shall be forwarded to Mr. Ford.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 302, was adopted.

Also:

By Reps. Hooper and McKee:

H. J. R. 303. COMMENDING THE MONTGOMERY, ALABAMA, CLOVERDALE JUNIOR HIGH SCHOOL PTA.

WHEREAS, the Legislature of Alabama notes with commendation recent recognition accorded the Montgomery, Alabama, Cloverdale Junior High School PTA by the Montgomery County Council of Parents and Teachers, Inc.; and

WHEREAS, this very effective organization was recognized for its focus on Drug Awareness, special support for the Teens Need Teens group, a well-publicized "Free By Choice" program given by prison inmates for PTA and student meetings, a televised broadcast of "Free by Choice" on Channel 3, grounds improvement work, the purchase of a student art exhibit, and special activities for teacher appreciation; and

WHEREAS, the Cloverdale Junior High School PTA is indeed deserving of highest praise for tireless efforts on behalf of the students, the community and public education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Cloverdale Junior High School PTA of Montgomery, Alabama, and direct that copies of this resolution be forwarded to PTA President Sonja McKnight and to Principal Glen Adams of Cloverdale School.

On motion of Rep. Hooper, the rules were suspended and the resolution, H. J. R. 303, was adopted.

Also:

By Rep. White (G):

H. J. R. 304. URGING OUR CITIZENS TO OBSERVE JUNE 1986, AS "YOUTH SUICIDE PREVENTION MONTH."

WHEREAS, the Alabama Legislature notes that the incidence of teenage suicide has become a national epidemic and directly affects the families, friends, communities and nation as a whole because of the tragic loss of life, vitality and intelligence, and those contributions for the future of our nation are thereby diminished; and

WHEREAS, in a thirty-year span, the rate of suicide among our young Alabamians, ranging from 15 to 24 years of age, increased by the alarming rate of 122 percent; and

WHEREAS, nationally, suicide is listed as the third leading cause of death among teenagers in the 15 to 24 years of age category, and children specialists note that today's young generation experiences stressful and emotional upheavals, as never before, with many freedoms, many choices, greater vulnerabilities and little supervision or limitation; and

WHEREAS, the United States Senate has adopted a resolution designating June 1986, "Youth Suicide Prevention Month," this body urges that all segments of our society, especially educators who work with or are closely associated with our young people, to join in suicide prevention efforts, to educate themselves and communities to the warning signs and the suicide prevention techniques, programs and literature; and

WHEREAS, each citizen of our state can be a part of the support system for our young generation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do urge all Alabamians to observe the month of June 1986, as "Youth Suicide Prevention Month" by supporting suicide prevention programs and working for solutions to the tragic loss, by suicide, of our national treasury, the young citizens of our state, and making suicide prevention their number one priority.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor George C. Wallace and Superintendent of Education Wayne Teague.

On motion of Rep. White (G), the rules were suspended and the resolution, H. J. R. 304, was adopted.

Also:

By Rep. White (G):

H. J. R. 305. COMMENDING YORIKO SAITO OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, in consensus of highest commendation, the Legislature of Alabama congratulates Yoriko Saito, an 18-year-old senior at Homewood High School and the daughter of Dr. Yoshimi Saito and Sachiko Saito of Birmingham, Alabama; and

WHEREAS, Miss Saito, who has won numerous competitive awards and scholarships, was declared one of 40 finalists, nationwide, in the Westinghouse Science Talent Search for her project involving genetic engineering in plants to achieve higher crop yields, as well as plants that are bigger and disease or drought resistant; and

WHEREAS, then competing as a finalist, February 27-March 3 in Washington, D. C., Yoriko Saito placed third in the nation and was awarded a $15,000 scholarship; and

WHEREAS, the Westinghouse Science Talent Search contest boasts five Nobel Prize winners from previous years, and more than 70% of former contestants have earned either Ph.D. or medical degrees, tremendous goals to be sought by this year's winners but within easy reach, in our judgement, of young Yoriko Saito of Birmingham, Alabama; and

WHEREAS, it is further to be noted with praise that Yoriko Saito came to the United States just three years ago, learning English since her arrival, yet ranks number one in her high school class and has a perfect 4.0 average in advanced math classes at the University of Alabama—Birmingham; and

WHEREAS, in addition to her impressive academic skills, she is a concert pianist and serves as youth pianist at Southside Baptist Church, and has won several awards for her artwork; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Yoriko Saito of Birmingham, Alabama, for outstanding academic achievement and direct that she receive a copy of this resolution executed in praise of her accomplishments and in expression of our sincere best wishes for every future success in life.

On motion of Rep. White (G), the rules were suspended and the resolution, H. J. R. 305, was adopted.

Also:

By Rep. Parker:

H. J. R. 306. COMMENDING THE DECATUR VIKINGS, 1985 POP WARNER NATIONAL JUNIOR MIDGET CHAMPIONS.

WHEREAS, the Legislature of Alabama, in consensus of commendation, extends heartiest congratulations to the Decatur Vikings, the 1985 Pop Warner National Junior Midget Champions; and

WHEREAS, under Head Coach Dickie Stepp and Assistant Coaches Richard Hancock, Kevin Higgins, Lester Morris and Mickey Sutton, the Vikings defeated the Sudbury, Massachusetts Warriors in the National Championship Game played in Alexander City, Alabama, by a score of 13-6; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend

the Decatur Vikings, the 1985 Pop Warner National Junior Midget Champions.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the coaches and team.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 306, was adopted.

Also:

By Reps. Turner, Clark (W), Buskey (JE), Gaston and Kvalheim:

H. J. R. 307. COMMENDING COACH ROBERT BETTIS AND THE CITRONELLE HIGH SCHOOL BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Citronelle High School varsity basketball team, under the talented direction and leadership of Head Coach Robert Bettis, posted a phenomenal 23-2 record for the 1986 season; and

WHEREAS, with his team ranked number one in the State of Alabama at the end of the regular season, Coach Bettis and Assistant Coach Joel Reed then led Citronelle to the Regional Championship with tournament victories over Grand Bay and Jackson High Schools; and

WHEREAS, the Citronelle Regional Champions are seniors Keith Howell, Prescott Herring, Louis Pettit, Eric Holloway, John Williams and Willie Henderson; Juniors Reginald Caster, Richard Henderson and Leonard Peoples; and sophomores Dwayne Turner, Timothy Clark and Winston Cory, all of whom contributed greatly to their team's phenomenal season and their title; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the Citronelle High School varsity basketball team and direct that copies of this resolution be forwarded to Coach Bettis for appropriate presentation and school display.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 307, was adopted.

Also:

By Reps. Turner, Harper, Buskey (JE), Gaston, Kvalheim and Flowers:

H. J. R. 308. URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN RESOURCES TO MINIMIZE MONETARY INCENTIVES TO MOTHERS OF ILLEGITIMATE CHILDREN.

WHEREAS, the federal government through the guidelines of the Department of Health and Human Resources, causes the citizens' tax dollars to be used to perpetuate monetary incentives and rewards for mothers of illegitimate children, increasing the payments for each additional illegitimate child; and

WHEREAS, various states have attempted to address this vicious result of nonproductive and immoral lifestyle by withdrawing or reducing tax dollar incentives and have been penalized for such actions by the federal government; and

WHEREAS, in the State of Alabama, during the last year over 1400 illegitimate births were recorded and the number of such births are escalating among teenagers, and it has been statistically recorded that it is usual for illegitimate children to perpetuate generations of illegitimate births; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge the federal government to restructure its guidelines for payments of the citizens' tax dollars to mothers for illegitimate births, so as to allow the states to discontinue these payments to mothers having more than one illegitimate child in an effort not only to meet the legitimate needs of the public but to break the hellish chain of generations of illegitimate births.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Secretary of Health and Human Resources and to each member of the Alabama Congressional delegation, so that they may know of our strong feelings in this matter.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Turner offered the motion to suspend the rules and adopt the resolution, H. J. R. 308.

DIVISION OF THE QUESTION

Rep. Rogers called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Turner to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 308, and the motion was lost.

Yeas 18; Nays 19.

Yeas:

Reps. Beasley, Biddle, Blakeney, Brooks, Carothers, Cosby, Gaston, Gray, Johnson (RG), Kvalheim, Mathis, Pratt, Sasser, Starkey, Turner, White (F), White (L) and Zoghby.

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Nays:

Reps. Adams, Bryant, Bugg, Buskey (JE), Clark (J), Davis, Holley, Holmes, Johnson (RW), Kennedy, McDowell, McNair, Newton, Parker, Perdue, Reed, Rogers, Spratt and Tanner.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 308, was read and referred to the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Perdue would have voted "Yea" on the Senate amendment to the bill, H. 377, had he been present at the time of voting.

Permission was granted for the Journal to show that Rep. Thomas would have voted "Yea" on the Senate amendment to the bill, H. 377, had he been present at the time of voting.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 309. MOURNING THE DEATH OF MICHAEL KELLY KILPATRICK OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 310. MOURNING THE DEATH OF ROBERT WAYLAND CARROLL OF GADSDEN, ALABAMA.

Also:

By Rep. Junkins:

H. R. 311. MOURNING THE DEATH OF STEVEN EARL FOWLER OF RAINBOW CITY, ALABAMA.

Also:

By Rep. Newman:

H. J. R. 312. COMMENDING JAMES VINCENT RICHARDSON, MD, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Rep. Newman:

H. J. R. 313. COMMENDING HARVEY BIDDLE FOR DEDICATED AND DISTINGUISHED SERVICE TO THE MILLPORT BAPTIST CHURCH.

WHEREAS, Harvey Biddle of Millport, Alabama, has been a faithful and devoted member of the Millport Baptist Church for 61 years and has served as church treasurer for the past 21 years; and

WHEREAS, though unable to attend worship services on a regular basis, due to illness, Mr. Biddle continued to perform his duties as treasurer until recently; and

WHEREAS, Mr. Biddle, who became a Christian in 1923 and was baptized into the Springhill Baptist Church, moved his membership to the

Millport Baptist Church in 1925, was ordained as a deacon in 1935 and, through the years, has served many other offices including Sunday School teacher, Sunday School superintendent, and Baptist Training Union director, among others; and

WHEREAS, he was married to the former Onnie Rae Belk in August 1932, and together they have faithfully ministered to others, thereby touching many lives in service to the Lord in the Millport community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the membership and pastor of Millport Baptist Church, and the community, in recognizing Mr. Harvey Biddle for outstanding fellowship and service, and further direct that Mr. Biddle receive a copy of this resolution of sincere praise and regard of the Alabama Legislature.

On motion of Rep. Newman, the rules were suspended and the resolution, H. J. R. 313, was adopted.

Also:

By Reps. Smith, Coleman, Harvey, Warren, Crow, Browder, Faulk, Flowers, Burke, Richardson, Dutton, Goodwin, Turner and Blake:

H. J. R. 314. COMMENDING VOLUNTEER FIRE DEPARTMENTS FOR HELPING TO CONTROL FOREST FIRES.

WHEREAS, during the recent drought in Alabama more than 3,000 forest fires occurred during a two-week period; and

WHEREAS, more than 35,000 acres of forest lands in this State burned as a result of the drought; and

WHEREAS, the Forestry Commission was ably assisted in fighting the fires by more than 900 volunteer fire departments throughout the state; without the quick response and the untiring efforts of the volunteer firemen the damage would have been much more extensive; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend and thank the many volunteer fire departments for their time and efforts during this crucial time in Alabama.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 314, was adopted.

Also:

By Reps. Mikell, Starr, McKee, Hooper, Buskey (JL) and Holmes:

H. J. R. 315. COMMENDING THE HIGHLAND GARDENS ELEMENTARY SCHOOL PTA.

WHEREAS, the Legislature of Alabama notes with commendation recent recognition accorded the Montgomery, Alabama, Highland Gardens Elementary School PTA by the Montgomery County Council of Parents and Teachers, Inc.; and

WHEREAS, this very effective organization was recognized by the Council as the most Outstanding Local Unit which, following the theme, "Helping Our Children Be All They Can Be," has concentrated on a specific

problem at the school—that 60% of the students come from single-parent families; and

WHEREAS, to help each child develop a strong self-image, the Highland Gardens PTA has drawn together community resources, teachers, administrators and parents to this end; and

WHEREAS, the Highland Gardens PTA is indeed deserving of highest praise for tireless efforts on behalf of the students, the community and public education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Highland Gardens Elementary School PTA of Montgomery, Alabama, for outstanding achievement and direct that copies of this resolution be forwarded to PTA President Deborah Cobb and Principal Sammie Kennedy of Highland Gardens School.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 315, was adopted.

Also:

By Reps. Gaston, Kvalheim, Buskey (JE), Clark (W), Zoghby, Kennedy, Turner, Marietta, Box and Harper:

H. J. R. 316. COMMENDING DR. BOBBY CLARDY OF MOBILE, ALABAMA.

WHEREAS, it is with a sense of great pride that the House of Representatives of the Alabama Legislature notes the numerous and notable professional and civic contributions of Dr. Bobby Clardy of Mobile, Alabama; and

WHEREAS, Dr. Clardy is currently President of the International Association for Pupil Personnel Workers, which was founded in 1911 and is the oldest professional organization in the United States focusing on the welfare of children; and

WHEREAS, for 28 years, he has been employed by the Mobile County Public School System, serving as a teacher, principal, coordinator of research and assistant superintendent of student services; and

WHEREAS, he is a devoted and active member of the Springhill Baptist Church and professionally a member of the Alabama Association of School Administrators; and

WHEREAS, Dr. Clardy's inquiring and astute mind, coupled with keen perception and a rare sense of values so necessary in his position, has made his services particularly valuable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Bobby Clardy, of Mobile, Alabama, for outstanding professional achievement and service to the community.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Dr. Clardy that he may know of our sincere admiration and warmest regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 316, was adopted.

Also:

By Rep. Blake:

H. J. R. 317. CONGRATULATING MR. MELVIN SKEEN ON THE OCCASION OF HIS EIGHTIETH BIRTHDAY, APRIL 10, 1986.

WHEREAS, it is with great pleasure that the Legislature of Alabama congratulates Mr. Melvin Skeen of the Leeds community, St. Clair County, Alabama, on the occasion of his eightieth birthday, April 10, 1986; and

WHEREAS, born April 10, 1906, in Kosciouko, Mississippi, Mr. Skeen is a longtime resident of the Leeds community, a veteran of World War II, and has been married for 45 years to the former Lula Cleveland; he is the father of three children, John and Sheila Skeen and Marciline Gearing, and has a number of grandchildren; and

WHEREAS, it is further to be noted, with highest commendation, that Mr. Skeen is a registered voter who has voted in all elections for the past fifty years, which is an enviable record and a goal to be sought by all conscientious, dutiful and patriotic citizens of Alabama and the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Mr. Melvin Skeen on his eightieth birthday and direct that he receive a copy of this resolution, executed in sincere praise and warmest personal regard.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 317, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Gaston, Kvalheim, Buskey (JE), Clark (W), Zoghby, Kennedy, Turner, Marietta, Box and Harper:

H. R. 318. COMMENDING DR. BOBBY CLARDY OF MOBILE, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Pratt:

H. J. R. 319. COMMENDING WILKES BAPTIST CHURCH ON THE OCCASION OF ITS 75TH ANNIVERSARY AND DESIGNATING OCTOBER 5, 1986, AS WILKES BAPTIST CHURCH DAY IN MIDFIELD, ALABAMA.

WHEREAS, organized on October 3, 1911, the Wilkes Baptist Church is celebrating its 75th Anniversary of service to the Midfield, Alabama, Community; and

WHEREAS, the Wilkes Baptist Church, since its establishment, has enjoyed steady growth in membership and in physical facilities under its first twenty pastors: A. A. Baston in 1911; Robert Parker called in 1916;

G. W. Furman, 1919; Ollis Moore, 1920; R. E. Owens in 1922; J. W. Dean, 1924; S. T. Mayo, 1926; N. L. Gilliland, 1928; G. W. Winstead, 1931; C. D. Deal, 1935; L. C. Radford, 1936; Clyde Harless, 1939; P. B. Moore, 1941; Allen Ruff in 1946; E. V. Wofford, 1947; Fred Lowery, 1953; Wallace Keown, 1959; Gerald Freeman, 1969; Dan Springfield, 1972; Bill Butler, 1974; and continues to flourish under its present pastor, the Reverend Gene Hitchcock; and

WHEREAS, members of the Wilkes Baptist Church now worship in a beautiful building completed in 1976 at a cost of one-half million dollars, and the present value of all church property, including the pastorium, is some $960,000; and

WHEREAS, to commemorate the 75th Anniversary of Wilkes Baptist Church and in gratitude for the privilege of 75 years of Christian service, a special day, October 5, 1986, has been set aside to celebrate and give thanks to God for His many blessings to the church, its pastors and faithful members through the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate October 5, 1986, as Wilkes Baptist Church Day in Midfield, Alabama, and direct that a copy of this resolution of commendation and praise be provided for appropriate presentation and display.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 319, was adopted.

Also:

By Rep. Pratt:

H. J. R. 320. CONGRATULATING MR. AND MRS. FELIX DeLOACH KING ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 50th Wedding Anniversary, March 20, 1986, of Mr. and Mrs. Felix DeLoach King of Homewood, Alabama; and

WHEREAS, in the sight of God, Lillian Pauline Bradford and Felix DeLoach King were joined in wedlock on March 20, 1936, by Reverend Moore in his home in Faulkville, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, in celebration of this milestone in their journey through life together, Mr. and Mrs. King are to be honored by their four children and 11 grandchildren, along with other family and friends, at a gala reception on March 29, 1986, at Homewood Church of Christ; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Homewood, Alabama, Mr. and Mrs. Felix DeLoach King, and wish them many more happy years together

in their union blessed by God and their marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. King that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Pratt, the rules were suspended and the resolution, H. J. R. 320, was adopted.

Also:

By Reps. Rogers, Escott and McDowell:

H. J. R. 321. URGING THE DEPARTMENT OF PENSIONS AND SECURITY TO PROVIDE CERTAIN SERVICES.

WHEREAS, adequate federal and state funding of the Department of Pensions and Security is in jeopardy; and

WHEREAS, said Department is faced with limited alternatives concerning what services may be offered to the citizens of Alabama; and

WHEREAS, this legislative body believes day care centers and programs for retarded children are of paramount importance to the people of Alabama; and

WHEREAS, the legislature feels transportation services for indigent medical patients receiving chemotherapy and dialysis are of utmost concern to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Pensions and Security is urged to continue the operation of day care centers and programs for retarded children. The Department is also urged to provide transportation services for indigent patients receiving chemotherapy and dialysis.

BE IT FURTHER RESOLVED, That the Department of Pensions and Security receive a copy of this resolution so that this legislature's concern is known.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 321, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 321:

Reps. Bachus, Black, Blakeney, Bryant, Butler, Coleman, Dutton, Escott, Grouby, Johnson (RG), Kennedy, McDowell, McMillan, Mikell, Onderdonk, Pratt, Spratt and Thomas.

Also:

By Rep. Lindsey:

H. J. R. 322. COMMENDING ROBERT BRADFORD JOHNSON OF CENTRE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation the outstanding achievement, both as an athlete and in academics, of

Robert Bradford (Brad) Johnson, a former Cherokee County High School varsity football player who was listed as the number-one lineman and number-two best player in the State of Alabama; and

WHEREAS, during his three years of football at Cherokee High, Brad received such outstanding honors as Cherokee County's Most Valuable Lineman, API-UPI All State First Team, Player of the Year, Gatorade "Circle of Champions", Honorable Mention All-American, All Deep South Regional First Team, National High School All American Second Team, Cherokee County Big Play Award, USA World News First Team and All American, UPI All State 4A Player of the Year, All-South First Team, Birmingham News-Post Herald "10 Most Wanted List", Adidas-Academic All American, Scholastic All American and All-Academic Team, among many others; and

WHEREAS, Brad Johnson, whose 40-yard dash is timed at 4.8, also has a grade point average of 3.6, is a member of the Beta Club, "C" Club, S.A.D.D., and of the First United Methodist Church in Centre where he is president of his Sunday School class; and

WHEREAS, as a highly recruited college prospect, Brad Johnson was sought by many schools including, Alabama, Auburn, Georgia, Georgia Tech, Ole Miss, Florida State, Notre Dame, L.S.U., Tennessee, Penn State, Oklahoma State, U.C.L.A., U.S.C., Stanford, Vanderbilt, Iowa and Texas, but has signed a national letter of intent to play with the Auburn University Tigers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as a distinguished scholar-athlete, we hereby most highly commend Robert Bradford (Brad) Johnson of Centre, Alabama, who shall receive a copy of this resolution expressing the Legislature's esteem and best wishes for every future success and happiness in life.

On motion of Rep. Lindsey, the rules were suspended and the resolution, H. J. R. 322, was adopted.

Also:

By Reps. Buskey (JE), Clark (W), Kennedy, Box, Kvalheim, Turner, Gaston, Marietta and Zoghby:

H. J. R. 323. COMMENDING WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM OF MOBILE, ALABAMA FOR WINNING THE ALABAMA 6-A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Williamson High School Lady Lions defeated the girls' basketball team of Opelika by a score of 45-38; and

WHEREAS, during most of the regular season, the Lady Lions were ranked either fifth or sixth in the state with such great players as: Raquel Williams, Helen Myers, Jacqueline Bradley, Janice Odom, Apryl King, Shaune Dunn, Lauretta Freemon, Kenita Williams, Erica Gullett, Yolanda Young and Tonja Sullivan; and

WHEREAS, the Lady Lions were victorious because of the great coaching of Mr. Curtis Horton who led his team to their championship because of his ability to influence youth to strive to do their best; and

WHEREAS, the Legislature joins with the Mobile County Board of School Commissioners, Mobile County, and the City of Mobile in extending congratulations; and

WHEREAS, we note that this is the first time that a girls' team representing prep schools of Mobile County has ever won a championship, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to the Williamson High School Lady Lions and their coach, Curtis Horton, our congratulations for winning the Alabama 6-A Basketball Championship on March 8, 1986 in Decatur, Alabama.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be prepared to present to each player and the coach. Also that a copy be prepared for the principal of Williamson High School so that it may be displayed in a permanent place in the school.

On motion of Rep. Buskey (JE), the rules were suspended and the resolution, H. J. R. 323, was adopted.

Also:

By Rep. Sasser:

H. J. R. 324. COMMENDING HEALTH OCCUPATION STUDENTS OF OZARK VOCATIONAL SCHOOL.

WHEREAS, the Health Occupation Students of America of the Ozark Vocational School have adopted First Aid for Choking as their "Community Awareness Project"; and

WHEREAS, said students are offering area eating establishments, local schools and businesses demonstrations in first aid training for choking victims; and

WHEREAS, the Health Occupation Students' Save-a-Life, Give-a-Hug campaign reflects a concern and compassion for their fellowman and a desire to improve the health and well-being of the citizens of the Ozark community; and

WHEREAS, this legislative body is proud of the involvement of H.O.S.A. in this worthwhile endeavor and the participating students have earned the respect and fond feelings of all citizens of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby heartily commend the Health Occupation Students of America of Ozark Vocational School for their outstanding community project.

BE IT FURTHER RESOLVED, That this excellent organization receive a copy of this resolution so that they may know of our admiration and esteem.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 324, was adopted.

Also:

By Rep. McKee:

H. J. R. 325. COMMENDING FRED GUY, PRINCIPAL, ROBERT E. LEE HIGH SCHOOL, MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama notes with commendation recent recognition accorded Mr. Fred Guy of Montgomery's Robert E. Lee High School as the Montgomery County Council of PTA's most Outstanding Secondary Principal; and

WHEREAS, Mr. Guy manages a huge student population and faculty in such a way that the operation runs smoothly, the students and faculty feel supported, and the parents are dynamically involved in the school; and

WHEREAS, in his personal life, Fred Guy is warm, caring and kind, yet sets such an example of strength and courage that he has earned the highest respect and friendship of his students, parents and teachers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Fred Guy of Montgomery's Robert E. Lee High School as the most Outstanding Secondary Principal, a prestigious recognition of the Montgomery County Council of PTA, and direct that Mr. Guy receive a copy of this resolution of sincere praise and regard.

On motion of Rep. McKee the rules were suspended and the resolution, H. J. R. 325, was adopted.

Also:

By Rep. McKee:

H. J. R. 326. COMMENDING CORNELIA THOMASE, PRINCIPAL, FLOWERS ELEMENTARY SCHOOL, MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama notes with commendation recent recognition accorded Ms. Cornelia Thomase of Flowers Elementary School as the Montgomery County Council of PTA's most Outstanding Elementary Principal; and

WHEREAS, Ms. Thomase unites parents and faculty to work together for the students, helping them strive to be the best they can be; she builds and maintains a positive, encouraging, cooperative tone in Flowers School which gives children the best possible environment in which to grow, and works also with a diverse student population, bringing everyone together; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Cornelia Thomase of Montgomery's Flowers Elementary School as the most Outstanding Elementary Principal, a prestigious recognition of the Montgomery County Council of PTA, and direct that Ms. Thomase receive a copy of this resolution of sincere praise and regard.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 326, was adopted.

Also:

By Rep. McKee:

H. J. R. 327. COMMENDING JIM GUNTER OF GOODWYN JUNIOR HIGH SCHOOL, MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama notes with commendation recent recognition accorded Mr. Jim Gunter of Montgomery, Alabama's Goodwyn

Junior High School as the Montgomery County Council of PTA's most Outstanding Secondary Teacher; and

WHEREAS, Mr. Gunter uses art instruction to help each student develop hidden talent and learn the value of discipline, hard work, and striving for excellence; and

WHEREAS, we further note that Mr. Gunter's own works have won numerous art show awards, and he aggressively seeks opportunities to show works by his students, thereby enabling many of them to win local and national awards in art competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jim Gunter of Montgomery's Goodwyn Junior High School as the most Outstanding Secondary Teacher, a prestigious recognition of the Montgomery County Council of PTA, and direct that Mr. Gunter receive a copy of this resolution of sincere praise and regard.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 327, was adopted.

Also:

By Reps. Starr, McKee, Mikell, Holmes and Buskey (JL):

H. J. R. 328. COMMENDING THE MONTGOMERY, ALABAMA, PETER CRUMP ELEMENTARY SCHOOL PTA.

WHEREAS, the Legislature of Alabama notes with commendation recent recognition accorded the Montgomery, Alabama, Peter Crump Elementary School PTA by the Montgomery County Council of Parents and Teachers, Inc.; and

WHEREAS, this very effective organization was recognized for outstanding PTA leadership, membership, and such activities as Newcomers' Open House, legislative action, volunteers calling absentees, Teacher of the Month and Volunteer of the Month recognitions, Fingerprinting and Block Parent Programs, and orientation for rising Junior High parents; and

WHEREAS, the Peter Crump PTA is indeed deserving of highest praise for tireless efforts on behalf of the students, the community and public education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend the Peter Crump Elementary School PTA of Montgomery, Alabama, for outstanding achievement and direct that copies of this resolution be forwarded to PTA President Kathy Culver and to Principal Marvorene Tucker of Peter Crump School.

On motion of Rep. Starr, the rules were suspended and the resolution, H. J. R. 328, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Tanner:

H. R. 329. COMMENDING THE PACESETTERS CLUB OF PELHAM HIGH SCHOOL.

Also:

By Reps. Tanner, Moore and Kennedy:

H. R. 330. COMMENDING DR. JAMES VICKREY AND THE UNIVERSITY OF MONTEVALLO ON EDUCATING ALABAMIANS ON A LONGER AND SAFER LIFE.

Also:

By Reps. Tanner and Moore:

H. R. 331. COMMENDING DR. NORMA N. ROGERS FOR OUTSTANDING ACHIEVEMENT AND NOTABLE CONTRIBUTIONS TO THE TEACHING PROFESSION.

Also:

By Reps. Tanner and Moore:

H. R. 332. COMMENDING JACKIE QUINN AND ALLSTATE INSURANCE COMPANY FOR OUTSTANDING LEADERSHIP IN SAFETY EDUCATION.

Also:

The following resolutions were introduced:

By Rep. Sasser:

H. J. R. 333. NAMING THE BRIDGE ACROSS THE SEABOARD COASTLINE RAILROAD ON STATE HIGHWAY 123 LOCATED IN OZARK, DALE COUNTY, ALABAMA, THE "MARVIN E. PARKER BRIDGE."

WHEREAS, Marvin E. Parker has been a resident of Ozark, Alabama, since 1946, where he has worked as a contractor, farmer and carpenter and served for over 15 years as a member of the Ozark Housing Authority; and

WHEREAS, Marvin E. Parker is married to the former Lois Becham from Geneva, Alabama, and they have three sons Larry, Jeffrey and David who are solid citizens of their respective communities; and

WHEREAS, although he retired from employment in 1980, Mr. Parker continues to support and participate in civic and community affairs; and

WHEREAS, during the development of the North section of Ozark, Mr. Parker, who owned several parcels of land in the area, gave right-of-way and encouraged his neighbors to do likewise to improve the streets and roads in that section of the city; and

WHEREAS, Marvin E. Parker's advice and counsel to the Highway Department on matters concerning traffic flow and bridge location was invaluable and resulted in great savings of time and money for the taxpayers of this state; and

WHEREAS, Marvin E. Parker has exhibited throughout his life those admirable attributes of devotion to duty and concern for his fellowmen and has gained the respect and affection of all who know him, whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge across the Seaboard

Coastline Railroad on State Highway 123 at Ozark, Alabama, is hereby named "The Marvin E. Parker Bridge" and that appropriate markers be erected and maintained so designating said bridge.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Marvin E. Parker.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 333, was adopted.

Also:

By Reps. Holley, Biddle, White (F) and Blake:

H. J. R. 334. EXPRESSING LEGISLATIVE INTENT REGARDING THE EXEMPTION OF PRESCRIPTION DRUGS FOR PERSONS 65 YEARS OF AGE OR OLDER FROM TAXATION.

Whereas the Legislature in 1972 passed Act No. 176, 3rd Special Session 1971, codified at Section 40-23-4(30) of the Code of Alabama 1975; and

Whereas this Act was interpreted and applied to provide that all prescription drugs for persons over 65 years of age were exempt from sales tax; and

Whereas the Legislature later passed Act No. 81-663 now codified in Section 40-23-4.1 of the Code of Alabama 1975; and

Whereas the Legislature later passed Act No. 85-60 and Act No. 85-952 which were joint resolutions of the Legislature expressing Legislative intent; and

Whereas the Legislature now desires to clarify such intent as to said Act No. 176; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature expressly declares that it intended all prescription drugs prescribed by a physician for persons 65 years of age or older and filled by a licensed pharmacist to be exempt from all sales tax regardless of where such drugs are purchased or sold as long as such drugs are for the use of a person 65 years of age or older.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 334, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 334:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Browder, Bugg, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Hall, Harper, Harvey, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, McMillan, McNair, Newman, Newton, Onderdonk, Parker, Payne, Pratt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Venable, White (G) and Zoghby.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Starkey, Clark (D), Coburn, Goodwin and Britnell:

H. R. 335. COMMENDING THE SHOALS AREA'S BID FOR THE NCAA DIVISION II CHAMPIONSHIP GAME.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starkey, the rules were suspended in order to take up out of order the bill, H. 639.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 639, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Boles, Bowling, Brooks, Bryant, Bugg, Burke, Carothers, Carter, Clark (D), Clark (J), Coleman, Dutton, Faulk, Fuller, Gaston, Goodwin, Hall, Harper, Hettinger, Hooper, Johnson (RW), Kennedy, Lauderdale, Lindsey, Mathis, McKee, McMillan, Melton, Newman, Newton, Onderdonk, Rains, Rice, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 639. To amend Section 11-41-8, Code of Alabama, 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Dutton, Faulk, Fuller, Gaston, Goodwin, Gray, Grouby, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, Melton, Mitchell, Moore, Newman, Newton,

Onderdonk, Payne, Pratt, Rains, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Turner, Venable, Warren, White (F) and White (L).

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Nay: Rep. Parker. —1

CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 639.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 377. To provide a supplemental appropriation of $7,600,000 to the Department of Pensions and Security from the State General Fund for FY 1985-86 and to provide a conditional appropriation of $6,750,000 to the Department of Pensions and Security from the State General Fund for FY 1985-86 to pay awards made by the Board of Adjustment due to the default of payments to state agencies by the Department of Pensions and Security in FY 1984-85; to provide a supplemental appropriation of $3,000,000 to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1986; and to provide that certain provisions of this act shall be retroactive.

Also:

H. 661. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 172. COMMENDING MR. AND MRS. JAMES VERGIL NOLEN ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 173. MOURNING THE DEATH OF CHARLES H. STONE OF GURLEY, MADISON COUNTY, ALABAMA.

Also:

H. J. R. 174. COMMENDING ATLANTA CITY COUNCILMAN JOHN LEWIS AND WELCOMING HIM TO LIVINGSTON UNIVERSITY AND WEST ALABAMA.

Also:

H. J. R. 175. COMMENDING MR. WILLIAM MYERS JOHNSON FOR OUTSTANDING CONTRIBUTIONS TO THE CITIZENS OF HUNTSVILLE, ALABAMA, AND THE BROTHERS OF KAPPA ALPHA PSI FRATERNITY, INCORPORATED.

Also:

H. J. R. 178. COMMENDING C. LeNOIR THOMPSON, BAY MINETTE CITIZEN OF THE YEAR, 1985.

Also:

H. J. R. 182. MOURNING THE DEATH OF FRANK DANIELS, JUNIOR.

Also:

H. J. R. 235. COMMENDING KAPPA ALPHA PSI FRATERNITY.

Also:

H. J. R. 236. COMMENDING JAMES H. JOHNSON OF MENTONE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AS GENERAL MANAGER OF THE FARMERS TELEPHONE COOPERATIVE.

Also:

H. J. R. 266. COMMENDING THE "ALABAMA CHORAL EXPLOSION."

Also:

H. J. R. 268. COMMENDING MITCH STRICKLAND OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 270. COMMENDING THE JEFFERSON COUNTY RETIRED SENIOR VOLUNTEER PROGRAM.

Also:

H. J. R. 271. COMMENDING THE LEFLORE HIGH SCHOOL RATTLERS AND ITS COACH, JOHNNY SHELWOOD, OF MOBILE, ALABAMA FOR WINNING THE ALABAMA HIGH SCHOOL BASKETBALL CHAMPIONSHIP.

Also:

H. J. R. 272. COMMENDING LEIGH ANN SIMPSON OF ASHVILLE, ALABAMA, ON BEING ELECTED PRESIDENT OF THE ALABAMA 4-H COUNCIL.

Also:

H. J. R. 274. COMMENDING BRETT BENEFIELD AND TIM SIMMONS FOR OUTSTANDING HEROISM.

Also:

H. J. R. 281. COMMENDING THE EMMA SANSOM HIGH SCHOOL BAND OF GADSDEN, ALABAMA.

Also:

H. J. R. 282. COMMENDING JAMES L. BUSBY OF MOBILE, ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Buskey (JE), Zoghby, Clark (W), Kennedy, Box and Turner:

H. R. 336. COMMENDING WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM OF MOBILE, ALABAMA FOR WINNING THE ALABAMA 6-A BASKETBALL CHAMPIONSHIP.

LEAVE OF ABSENCE

At the request of Rep. Holmes, leave of absence was granted for Rep. Buskey (JL).

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Blakeney, the rules were suspended in order to take up out of order the bill, S. 154.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Blakeney, Budget Isolation Resolution relating to S. B. 154, was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton,

Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Poole, Pratt, Rains, Rice, Richardson, Sasser, Spratt, Starkey, Starr, Tanner, Thomas, Venable, White (F) and White (L).

—67

And the bill:

S. 154. (With Amendment): To create the Alabama Turkey Hunters Hall of Fame Board and Museum; to prescribe its purposes, membership and location; to provide for the appointment of its members and for the holding of meetings.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Natural Resources, said committee amendment being as follows:

Amend S. B. 154, page 1, Section 1, page 27, after "9 members" by adding the following language:
, three of whom shall be residents of Alabama who do not live in Marengo County,

AMENDMENT TABLED

On motion of Rep. Blakeney, the amendment reported by the Standing Committee on Natural Resources was tabled.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Rains, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—73

And the bill, S. 154, was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Newman, Newton, Nicholson, Parker, Perdue, Poole, Pratt, Preuitt, Rains,

Rice, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, White (F), White (L) and Zoghby.

—71

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to H. B. 183, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Bowling, Brooks, Bryant, Bugg, Carothers, Carter, Clark (J), Clark (W), Coburn, Faulk, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lauderdale, Marietta, Martin, Mathis, Mikell, Moore, Newton, Parker, Perdue, Preuitt, Sasser, Smith, Spratt, Tanner, Turner, Venable, Warren, White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 183 CARRIED OVER

The bill, H. 183, was carried over, being a contested local bill.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moore, Budget Isolation Resolution relating to S. B. 18, was adopted.

Yeas 20; Nays 0.

Yeas:

Mr. Speaker, Albright, Britnell, Brooks, Carothers, Dutton, Faulk, Grouby, Hettinger, Lindsey, Mathis, Moore, Nicholson, Parker, Poole, Richardson, Smith, Starkey, Tanner and White (L).

—20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 18. To amend Act No. 39, H. 67, Second Special Session, 1971 (Acts 1971, p. 4173) to permit the application of chemical substances by aircraft in Shelby County under certain conditions.

Was read a third time at length and passed.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Brakefield, Britnell, Brooks, Carothers, Carter, Dutton, Faulk, Gaston, Grayson, Grouby, Hettinger, Johnson (RG), Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Mikell, Moore, Nicholson, Onderdonk, Parker, Poole, Richardson, Starkey, Starr, Tanner, Thomas, Turner, Warren, White (L) and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 591. Relating to the County of Montgomery, Alabama; to authorize the County of Montgomery to grant County ad valorem tax exemptions for up to fifteen (15) years to owner-developers who build new commercial or industrial facilities within the downtown business district as defined by the governing body of the City of Montgomery, providing that owner-developers receiving such exemptions shall, however, continue to pay County ad valorem property taxes on such property as was paid in the year preceding the improvement caused by the construction or development of the new commercial or industrial facility; to provide that the tax exemption herein shall not effect any taxes other than County ad valorem taxes; and to provide for the procedures to be followed in the granting of such exemptions.

Which was carried over as a contested local bill on the fifteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Britnell, Brooks, Browder, Bugg, Buskey (JE), Carothers, Clark (D), Clark (J), Clark (W), Crow, Dutton, Escott, Gaston, Grouby, Hettinger, Holmes, Hooper, Johnson (RG), Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Mikell, Onderdonk, Parker, Richardson, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 74. REQUESTING THE ATTORNEY GENERAL AND STATE INSURANCE COMMISSIONER TO ENFORCE THE PROVISIONS OF SECTION 27-1-10 OF THE CODE OF ALABAMA.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 671, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE), Carothers, Clark (D), Clark (W), Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McMillan, Mikell, Onderdonk, Parker, Rains, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Warren, White (G), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

And the bill:

H. 671. (With Amendment): Relating to Lauderdale County and its municipalities for the purpose of said county and municipalities joining with Colbert County and its municipalities, for the purpose of forming a Shoals Industrial Development Authority for promoting industry and trade and the development of said counties and cities; to provide for the organization, powers, functions, duties and personnel of such authority, and for the payment of expenses of the authority and for the compensation of its employees.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 671, Page 2, Section 1, line 2, after the word "the" by striking ~~Lauderdale~~ and inserting in lieu thereof the following: Colbert

Further amend on Page 2, Section 1, line 3, after the word "the" by striking ~~Lauderdale~~ and inserting in lieu thereof the following: Colbert

Further amend on Page 5, Section 6, line 4, after the comma by adding the following: or both,

Further amend on Page 5, Section 6, Line 7, after the word "funds" by striking the following language: ~~appropriated for the use~~

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (JE), Carothers, Carter, Clark (D), Clark (J), Clark (W), Crow, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Onderdonk, Parker, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 671 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Carothers, Carter, Clark (D), Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Grayson, Grouby, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McMillan, Mikell, Onderdonk, Parker, Rains, Richardson, Sasser, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Grouby, Budget Isolation Resolution relating to H. B. 677, was adopted.

Yeas 54; Nays 0.

Yeas:

Reps. Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (JE), Carothers, Carter, Clark (D), Clark (J), Crow, Escott,

Faulk, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kennedy, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McMillan, Mikell, Onderdonk, Parker, Pratt, Rains, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—54

And the bill:

H. 677. Relating to Autauga County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters and supplies for the probate office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Carothers, Carter, Clark (D), Clark (J), Dutton, Escott, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Johnson (RG), Johnson (RW), Kennedy, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Onderdonk, Parker, Richardson, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Grouby, Budget Isolation Resolution relating to H. B. 681, was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bugg, Carothers, Carter, Clark (D), Clark (J), Coburn, Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Moore, Onderdonk, Parker, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—58

And the bill:

H. 681. Proposing an amendment to the Constitution of Alabama of 1901 relative to the fees and compensation of the judge of probate of Autauga County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Crow, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Moore, Onderdonk, Parker, Poole, Pratt, Preuitt, Rains, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—68

BUDGET ISOLATION RESOLUTION

On motion of Rep. Richardson, Budget Isolation Resolution relating to S. B. 228, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Carothers, Carter, Clark (D), Crow, Escott, Faulk, Fuller, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Johnson (RW), Kennedy, Lindsey, Marietta, Mathis, McMillan, Mikell, Moore, Onderdonk, Parker, Pratt, Reed, Richardson, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 228. Relating to Jackson County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

Was read a third time at length and passed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Burke, Carothers, Carter, Clark (D), Crow, Dutton, Escott, Faulk, Gaston, Grayson, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Moore, Nicholson, Parker, Poole, Pratt, Reed, Richardson,

Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moore, Budget Isolation Resolution relating to H. B. 12, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Carothers, Carter, Coburn, Crow, Dutton, Faulk, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, McKee, McMillan, Moore, Nicholson, Onderdonk, Parker, Poole, Pratt, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 12. Proposing an amendment to the Constitution of Alabama of 1901 relating to Shelby County so as to prohibit annexation of territory within Shelby County by out of county municipalities without a vote of the people of Shelby County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bugg, Buskey (JE), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Crow, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Moore, Nicholson, Onderdonk, Poole, Pratt, Reed, Rice, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, White (F), White (G), White (L) and Zoghby.

—67

BUDGET ISOLATION RESOLUTION

On motion of Rep. Tanner, Budget Isolation Resolution relating to H. B. 348, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Carothers, Clark (D), Coburn, Crow, Faulk, Fuller, Gaston, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, McKee, McMillan, Mikell, Nicholson, Onderdonk, Poole, Rains, Smith, Starkey, Starr, Tanner, Turner, Turnham, Warren, White (G), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 348 TEMPORARILY POSTPONED

On motion of Rep. Tanner, the bill, H. 348, was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 74. REQUESTING THE ATTORNEY GENERAL AND STATE INSURANCE COMMISSIONER TO ENFORCE THE PROVISIONS OF SECTION 27-1-10 OF THE CODE OF ALABAMA.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, the rules were suspended in order to take up out of order the bill, H. 347.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 347, was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Boles, Box, Brakefield, Brooks, Browder, Bugg, Burke, Buskey (JE), Carter, Clark (D), Clark (J), Cosby, Crow, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, McDowell, McKee, McMillan, Mikell, Moore, Newman, Newton, Nicholson, Parker, Penry, Poole, Pratt, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G) and Zoghby.

—69

And the bill:

H. 347. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Buskey (JE), Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Poole, Pratt, Reed, Richardson, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (L) and Zoghby.

—74

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Langford:

S. 34. To amend Sections 11-46-92, 11-46-93, 11-46-96, 11-46-97, 11-46-98, 11-46-107, 11-46-111, and 11-46-122, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having commission form of government and to establish dates and other procedures required in connection with such elections.

Also:

By Senator Langford:

S. 68. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members

of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Also:

By Senator Bedsole:

S. 124. To permit local boards of education and the Alabama Institute for Deaf and Blind to use a part of their kindergarten teacher unit funds under certain conditions to employ teacher aides to assist with the kindergarten instructional program based upon criteria established by the state superintendent of education and with his prior approval.

Also:

By Senators Strong, Drinkard, Menton, Teague, Ellis, Bennett, Bedsole, Bedford, Aldridge, Horn, Langford, and Goodwin:

S. 127. To abolish any zoning law, ordinance or regulation which prohibits mentally retarded or mentally ill persons from living in a natural residential environment zoned "multi family" as it appears in zoning laws or ordinances so as not to exclude certain groupings of mentally retarded or mentally ill persons.

Also:

By Senator Bennett:

S. 205. To amend Section 40-9-19, Code of Alabama, 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 34. Constitution and Elections.

S. 68. Ways and Means.

S. 124. Education.

S. 127. State Administration.

S. 205. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Denton (With Notice and Proof):

S. 515. Relating to Colbert County and its municipalities for the purpose of said county and municipalities joining with Lauderdale County and its

municipalities, for the purpose of forming a Shoals Industrial Development Authority for promoting industry and trade and the development of said counties and cities; to provide for the organization, powers, functions, duties and personnel of such authority, and for the payment of expenses of the authority and for the compensation of its employees.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 515, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 515. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Bedford, Bennett, Aldridge, Little, and Langford:

S. 213. To require public officers and employees and certain other persons who have any financial interest in any commercial hazardous waste disposal site in the State of Alabama to file an annual statement of such financial interest with the Secretary of State and to provide penalties for the noncompliance with this Act.

Also:

By Senator Cooley:

S. 345. To amend section 35-11-371 of the Code of Alabama 1975 relating to the perfection of a lien for charges for hospital services so as to provide further for perfecting such lien by extending the time for filing and changing the place of filing.

Also:

By Senator Covington:

S. 385. To require that any bill introduced in the legislature which attempts to annex territory to a municipality or otherwise change the boundary lines of any municipality shall contain an accurate description of the territory to be annexed or removed from such municipality along with a map of such territory attached; to provide that a copy of such map be filed with the judge of probate of the county or counties where such territory is located and to require that any publication of notice of intent to apply for a local law annexing territory to a municipality or otherwise changing the boundary lines of any municipality shall state that a copy of such map

is on file in the office of the probate judge and open to inspection by the public.

Also:

By Senator Denton:

S. 532. To authorize the governing body of any Class 7 municipality operating under a commission form of government and organized pursuant to Sections 11-44-1 through 11-44-57 inclusive, Code of Alabama 1975, as amended, to adopt an ordinance to designate the places and responsibilities of the commissioners of such municipality; to require candidates desiring to run for a place on the commission to qualify for election to the designated place in which they desire to serve; and to prohibit further changes by ordinance once the designations have been made, but, on the contrary, to require such additional changes to be authorized by legislative act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 213. Health.

S. 345. Judiciary.

S. 385. State Administration.

S. 532. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 425. Appropriating a certain amount of money during the 1985-86 fiscal year from the state general fund to the National Guard Association of Alabama for the establishment of an Alabama National Guard Museum in a certain location.

Also:

By Senators Bishop, Amari, Foshee, Corbett, Figures, Hilliard, Parsons, deGraffenried, Horn, Cooley, Aldridge, Teague, Bennett, Bedford, Drinkard, Smith (J), Menton, Bailey, Langford, and Covington:

S. 470. To establish the Community Stabilization Assistance Act; to provide for loans to employees who have been terminated by plant closings; to provide for a board to administer the loans; and to provide for funding and criteria for eligibility for said loans; to make an appropriation for each of the next three fiscal years; and to provide for a retroactive effect.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 425. Ways and Means.

S. 470. Ways and Means.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:55 P.M. on March 18, 1986.

H. 400

H. 466

Delivered to the Governor at 4:35 P.M. on March 18, 1986.

H. 377

H. 661

H. J. R. 172

H. J. R. 173

H. J. R. 174

H. J. R. 175

H. J. R. 178

H. J. R. 182

H. J. R. 235

H. J. R. 236

H. J. R. 266

H. J. R. 268

H. J. R. 270

H. J. R. 271

H. J. R. 272

H. J. R. 274

H. J. R. 281

H. J. R. 282

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Cosby and pursuant to the motion heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, March 20, 1986.

TWENTIETH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 20, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Hayne E. Sandifer, Centerville Baptist Church, Centerville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the nineteenth legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the nineteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the nineteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Holmes, leave of absence was granted for Rep. Buskey (JL).

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Grouby, the rules were suspended in order to take up out of order the bill, H. 366.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Grouby, Budget Isolation Resolution relating to H. B. 366, was adopted.

Yeas 66; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Dutton, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Laird, Lindsey, Mathis, McDowell, McMillan, McNair, Mikell, Newton, Onderdonk, Penry, Perdue, Poole, Pratt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Trammell, Venable, White (F), White (G), White (L) and Zoghby.

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Nays: Reps. Faulk, Hammett and Nicholson. —3

And the bill:

H. 366. To regulate further the office of probate judge in this state; to provide for the compensation of the probate judges of the several counties to be by an annual salary; to provide for such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county; and to make provision for the personnel, quarters, supplies and equipment for the office of the probate judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Boles, Box, Brakefield, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Crow, Davis, Dutton, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, McNair, Mikell, Newton, Onderdonk, Parker, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

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Nays: Reps. Faulk, Mitchell, Newman, Nicholson and Warren. —5

CO-SPONSOR ADDED

Rep. Gray was added as co-sponsor to the bill, H. 366.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 337. MOURNING THE DEATH OF JAMES LARRY FRAZIER OF MADISON COUNTY, ALABAMA.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to take up out of order the bill, H. 313.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Martin, Budget Isolation Resolution relating to H. B. 313, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Campbell, Carothers, Clark (J), Coleman, Cosby, Crow, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lindsey, Marietta, Martin, Mathis, McMillan, Mikell, Mitchell, Newman, Nicholson, Parker, Penry, Preuitt, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Turnham, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 313. To amend Section 36-25-27, Code of Alabama 1975, which prescribes penalties for violations of the State Ethics Law, so as to establish the minimum possible penalty for violating the law at two years imprisonment or a minimum fine of $2,001.00, or both.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (RW) offered the following substitute to the bill, H. 313:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 36-25-1, 36-25-14 and 36-25-27, Code of Alabama, so as to delete the definition of "legislative employee"; add the definition of "statement of economic interests"; to provide further for the filing of statement of economic interests by public officials and certain public employees; and to provide further for penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 36-25-1, 36-25-14 and 36-25-27, Code of Alabama 1975, are hereby amended to read as follows:

"§36-25-1.

"Whenever used in this chapter, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

"(1) BUSINESS. Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity.

"(2) BUSINESS WITH WHICH HE IS ASSOCIATED. Any business of which the person or a member of his family is an officer, owner, partner, employee or holder of more than 10 percent of the fair market value of such business.

"(3) CANDIDATE FOR PUBLIC OFFICE. Any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

"(4) COMMISSION. The state ethics commission.

"(5) ~~LEGISLATIVE EMPLOYEE. Any person employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who receives compensation of $12,000.00 or more per year.~~ STATEMENT OF ECONOMIC INTERESTS. A financial disclosure form which must be completed and filed with the state ethics commission prior to April 30 of each year covering the preceding calendar year by all elected public officials and those appointed public officials and employees who occupy positions paying $25,000.00 or more annually and all candidates for elected public office within 5 days of becoming a candidate for elected public office.

"(6) LOBBYING. The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

"(7) LOBBYIST. All persons who seek to encourage the passage, defeat or modification of any legislation, except members of the Alabama legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama legislature, merely appears before a committee or committees of the legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

"(8) REPORTING YEAR. The reporting official's or employee's fiscal tax year as it applies to his United States income tax return(s).

"(9) PUBLIC EMPLOYEE. ~~Any employee of state, county or municipal governments who has administrative and discretionary authority for the~~

~~receipt or expenditures of public funds or who earns in excess of $15,000.00 annually, but shall not include those persons who are primarily engaged in teaching duties in all schools, colleges and universities in the state and firemen as defined by section 36-30-1(a)(3).~~ Any person employed at the state, county or municipal level of government or their instrumentalities who is paid in whole or in part from state, county or municipal funds.

"(10) PUBLIC EMPLOYEE'S FAMILY. The employee's spouse and dependents.

"(11) PUBLIC OFFICIAL. ~~Any elected official at the state, county or municipal level of government and any person appointed under state, county or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This term shall also include members of state boards, commissions, committees, councils and authorities, however selected, presidents, vice presidents, chief purchasing officials and chief financial officials of all schools, colleges and universities of the state, members of city and county industrial development boards, planning and zoning boards, school boards, boards of adjustment, utility boards, housing boards, public hospital boards and boards, commissions, committees, authorities or councils having jurisdiction with respect thereto, in all cities whose population is more than 15,000 according to the last decennial census. This term excludes state soil and water conservation district supervisors and members of all other boards not named but not limited to those commissions, committees, councils, boards or authorities functioning solely for cultural or historical purposes and advisory board members and members of boards of trustees of institutions of higher learning of the state of Alabama and firemen as defined by Section 36-30-1(a)(3).~~ Any person elected to public office by the vote of the people at state, county or municipal level of government or their instrumentalities and any person appointed to a position at the state, county or municipal level of government or their instrumentalities.

"(12) PUBLIC OFFICIAL'S FAMILY. The official's spouse and dependents.

§36-25-14.

"(a) ~~No person elected or employed to serve as a public official or employee shall be allowed to take the oath of office or enter upon his duties unless he has previously filed a statement of economic interests in accordance with the provisions of this chapter at the office of the state ethics commission.~~ A statement of economic interests must be completed and filed in accordance with the provisions of this act with the state ethics commission no later than April 30 of each year covering the period of the preceding calendar year by all elected public officials at the state, county or municipal level of government or their instrumentalities and any person appointed as a public official or employed as a public employee at the state, county or municipal level of government or their instrumentalities who occupies a position paying $25,000.00 or more annually. Such statement shall be made on a form provided by the commission and shall contain the following information on the person making such filing.

"(1) Name, residential address, business; name and address of living spouse, minor and dependent children, adult children, parents, brothers and sisters, and to the best of his knowledge the principal occupation of each of these persons;

"(2) A list of occupation(s) to which one third or more of working time was given during previous reporting year by the filing official or employee and spouse;

"(3) A listing of total combined family income of the public official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions and other compensation from any business doing business in Alabama and listing the names of each business and the income derived from such business in the following categorical amounts: less than $1,000.00; at least $1,000.00 and less than $10,000.00; $10,000.00 or more; further, the person reporting shall name any business or subsidiary thereof in which he or his spouse or dependents, jointly or severally, own one tenth or more of the stock or in which he or his spouse serves as an officer, director, trustee or consultant where such service provides income of more than $1,000.00 for the reporting period;

"(4) If the filing public official or employee, or his spouse, has engaged in a business during the last reporting year which provides legal, accounting, medical or health related, real estate, banking, insurance, educational, farming, engineering, architectural management or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipeline companies, oil and/or gas exploration companies, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, manufacturing firms, mining companies, life insurance companies, casualty insurance companies and other insurance companies, retail companies, beer, wine and/or liquor companies or distributors, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: less than $1,000.00; more than $1,000.00 but less than $10,000.00; $10,000.00 or above;

"(5) If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: less than $1,250.00; $1,250.00 or more;

"(6) If real estate that is held for investment or is revenue producing is held by a public official, his spouse or dependents, then a listing thereof by the following categories of fair market value: under $50,000.00; at least $50,000.00 but less than $250,000.00; $250,000.00 or more; and the following categories of annual gross rent and lease income on real estate: less than $10,000.00; at least $10,000.00 and less than $50,000.00; $50,000.00 or more. Furthermore, if a public official or a business in which he is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;

"(7) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: banks, savings and loan associations, insurance companies, mortgage firms and stockbrokers (the commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows: less than $25,000.00; $25,000.00 but less than $50,000.00; $50,000.00 but less than $100,000.00; $100,000.00 or more. Indebtedness associated with the homestead

of the person filing is exempted from this disclosure requirement. Filing required by this section shall reflect information and facts in existence at the end of the reporting year. In the event that said information required herein is not filed as required, the commission shall notify the public official or employee concerned as to his failure to so file and the public official shall have 10 days to file "§36-25-27.

~~"(a) Any person who violates any provisions of this chapter and is found guilty shall be fined not more than $10,000.00 or shall be imprisoned for not more than 10 years or both.~~

"(a) (1) Any person subject to this act who knowingly or willfully violates any provisions of this act other than the requirements of financial and lobbying disclosure shall be found guilty of a felony and shall be fined not more than $10,000.00 or less than $2,001.00, or shall be imprisoned for not more than ten years but not less than two years or any combination thereof.

"(2) Any person subject to this act who knowingly or willfully violates any disclosure requirement of this act shall be found guilty of a misdemeanor, and shall be punished by a fine of $10 a day for each day the appropriate disclosure statement is delinquent or the proper information is unreported, not to exceed $1,000.00 annually.

"(b) All prosecutions for violations of the provisions of this chapter shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this chapter do not limit the power of either house of the legislature to discipline its own members or to impeach public officials and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this chapter, and the venue of any action under this chapter shall be in the county of the residence of the defendant.

"(e) Nothing in this chapter is intended to nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, Mikell, Mitchell, Moore,

Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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And the bill:

H. 313. To amend Sections 36-25-1, 36-25-14 and 36-25-27, Code of Alabama, so as to delete the definition of "legislative employee"; add the definition of "statement of economic interests"; to provide further for the filing of statement of economic interests by public officials and certain public employees; and to provide further for penalties for violations.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McMillan, Mikell, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 313:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McDowell, McMillan, McNair, Mikell, Mitchell, Newman, Newton, Nicholson, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 338. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution the

following bills shall be made the special and paramount order of business for the 20th Legislative Day of the 1986 Regular Session, March 20, 1986, taking precedence over the regular order of business and any pending or unfinished business, except Reports of Standing Committees, until such time as said bills are disposed of:

Bill No.	Page	Sponsor	Short Title
H. 611	75	Drake	Farm Crisis & Transition Program
H. 37	3	Smith	Acts & Journals; printing of
H. 473	49	Penry	Commodity foods; Dept. of Education
H. 206	11	Rice	ABC laws updated
H. 518	72	Johnson, Roy	Extension of credit regulated
H. 499	57	Starkey	Ala. Rapid Rail Transit Commission
H. 319	28	White (L)	Mail order drugs
H. 176	4	Coleman	Continuing education; real estate
H. 366	39	Grouby	Probate judges' fees
H. 531	58	Holley	County engineers
H. 322	35	Adams	School boards; liability insurance provided
H. 444	44	Boles	C.A.; establishing regulatory commission; legislative retirement
H. 228 (w/amdt.)	38	Turner	Re-define the term telephone business
H. 539	65	Onderdonk	Amends Uniform Transfer to Minors Act
H. 669	87	Cosby	HMO; regulations provided for
H. 170	21	Pratt	Interstate Compact on Juveniles
H. 342	31	Carothers	Farm equipment retailers
H. 198	48	Penry	Contract sales; regulated

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the resolution, H. R. 338:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution the following bills shall be made the special and paramount order of business for the 20th Legislative Day of the 1986 Regular Session, March 20, 1986, taking precedence over the regular order of business and any pending or unfinished business, except Reports of Standing Committees, until such time said bills are disposed of:

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H. 669	87	Cosby	HMO; regulations provided for
H. 170	21	Pratt	Interstate Compact on Juveniles
H. 342	31	Carothers	Farm equipment retailers

SUBSTITUTE TABLED

On motion of Rep. Turner, the substitute offered by Rep. Harper to the resolution, H. R. 338, was tabled.

Yeas 41; Nays 33.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Cosby, Faulk, Ford, Fuller, Grayson, Harvey, Johnson (RG), Junkins, Lauderdale, Mathis, Mikell, Mitchell, Newman, Parker, Penry, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Starr, Warren, White (L) and Zoghby.

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Nays:

Reps. Black, Box, Brakefield, Bryant, Bugg, Buskey (JE), Campbell, Clark (W), Crow, Davis, Dutton, Escott, Gaston, Goodwin, Hall, Hammett, Harper, Hooper, Kennedy, Laird, Marietta, McKee, McMillan, McNair, Melton, Moore, Newton, Nicholson, Perdue, Starkey, Thomas, Trammell and Turner.

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RESOLUTION ADOPTED

On motion of Rep. Clark (J), the resolution, H. R. 338, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 213. (With Amendment): Relating to "The Alabama Medical Liability Act of 1986" to state the legislative intent; to define the terms health care provider, professional negligence, future damages and periodic payment; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the award equals or exceeds one-hundred thousand dollars ($100,000.00) in future damages and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings' shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed two-hundred fifty-thousand dollars ($250,000.00); and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the defendent may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such benefits and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant and to provide that all policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this act; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the action must be brought

in the county where the negligent act or omission actually occurred or wherein the plaintiff resided at the time of the negligent act or omission and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars ($1,000,000.00); to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the claimant shall have the burden of proving by a preponderance of the evidence that the actions of the health care provider breached the accepted standard of care and to provide that the standard of care shall be that which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical speciality or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this state, be trained and experienced in the same discipline or school of practice and practice in the same or similar medical community; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical speciality or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same speciality, and have practiced in the specialty during the year preceding the date that the alleged professional negligence occurred; to provide that evidence may not be received or admitted concerning the medical liability insurance of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to provide that an attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider based upon professional negligence in excess of specified limits and to provide that the limitations shall apply regardless of whether recovery is by settlement, arbitration or judgment or whether the person for whom the recovery is made is a responsible adult, an infant or a person of unsound mind and to provide that if periodic payments are made to the plaintiff the Court shall place a total value of such payments based upon the projected life expectancy of the plaintiff and shall include this amount in computing the total award from which attorney's fees are calculated under this section and to provide for the definition of the term "recovered"; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that this Act shall apply to all actions against health care providers based on professional negligence accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 97. To amend Section 40-9-19, Code of Alabama, 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

H. 584. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers with means of income.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 472. (With Amendment): To amend Section 36-21-2 of the Code of Alabama 1975, relating to subsistence allowance for certain law enforcement officers, so as to provide further for such allowance.

H. 568. (With Amendment): To provide that full-time employees and executive officers of the Alabama State Employees' Association and the Alabama Retired State Employees' Association may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said associations and their employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 60. (With Amendments): To amend section 40-18-20, Code of Alabama 1975, so as to provide that the retirement income of military personnel shall be exempt from state, county, and municipal income taxes.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 522. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of employers participating in the employees' retirement system of Alabama under the provisions of Section 36-27-6 of the Code of Alabama 1975; to provide for the creation of the local employees' health insurance board; to prescribe the authority, powers, duties and terms of the members of said board; to prescribe the coverage which may be provided by said plan and the method of funding the cost of said coverage and to provide that said board upon certain findings, may develop a plan of self insurance.

H. 200. To permit any active circuit court clerk or circuit court register to purchase up to six years' credit in the Clerks' and Registers' Supernumerary Fund for time previously served in a federal civil service position or for time previously served as a county employee or official; to provide that such prior service credit must be claimed and purchased within one year of the effective

date of this act; to provide that such service credit may not be purchased for any such time already credited to the account of any circuit court clerk or circuit court register; and, to provide an effective date.

H. 706. To provide that the repeal of Supernumerary Judge Laws shall not effect the method of computing the compensation of Supernumerary District Attorneys.

H. 739. To make an appropriation of $98,000 from the State Industrial Development Authority Application Fees Fund to the State Industrial Development Authority for the fiscal year ending September 30, 1986.

H. 740. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to provide for the payment of capitalized interest from the proceeds from the sale of bonds of the authority for a period not to exceed one year from the date of issuance of such bonds; and to provide that rent payments by the state or any of its agencies shall be due in accordance with the provisions of any lease by the authority of any of its facilities.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 166. (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1987.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 654. To provide protection from civil liability to certain persons rendering assistance in mitigating or preventing hazardous materials accidents, or those who assist in other local officially declared emergencies; to provide that the provisions of this act are cumulative.

H. 311. To create the Alabama Art Preservation Act; to protect an artist or public against the defacement, mutilation, alteration or destruction of a work of fine art and, under certain conditions, any heir, legatee or personal representative; to make certain exemptions; to provide for judicial relief; to provide a period of limitation to initiate action; and to prescribe an effective date.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 607. (With Amendment): To amend Section 18-3-1, Code of Alabama 1975, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

H. 431. (With Amendment): To amend Section 12-21-73, Code of Alabama 1975, which provides for judicial notice of certain documents, so as to provide that the circuit court shall take judicial notice of all municipal ordinances in its judicial circuit in certain cities.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 627. (With Substitute): To amend Section 12-15-90, Code of Alabama 1975, relating to involuntary commitment of minors or children so as to provide for the liability of the department of mental health for costs associated with care, treatment or housing of any minor or child committed to its custody.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 40. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court shall preclude a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court and conviction therein terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts; to amend the definition of "delinquent act" found in Section 12-15-1 so as to exclude criminal acts committed by a child who has previously been transferred for criminal prosecution and convicted as provided in Section 12-15-34; to amend Section 12-15-33 so as to preclude the possibility of transfer to the juvenile court of a criminal case against a child who has been previously transferred for criminal prosecution and convicted as provided in Section 12-15-34; and, to provide an effective date.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 29. (With Substitute): To establish the Timber Theft Equipment Condemnation law of the State of Alabama and to further set forth a procedure whereby vehicles and equipment used in connection with timber theft may be condemned by appropriate authorities and the same sold or awarded by court order to the State Forester for use or resale in enforcement of theft laws of the State of Alabama wherein timber or lumber are the stolen items.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 711. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

H. 683. To amend Sections 32-13-1 through 32-13-4, Code of Alabama 1975, so as to provide for and regulate further the sale of an abandoned motor vehicle, specifically providing further for notice to the owner, secured parties and lienholders of the intended sale of such vehicle and authorizing

and providing for a court hearing to determine whether the vehicle is abandoned and should be sold.

Rep. Campbell, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 742. (With Substitute): To amend Section 34-3-16 and Section 34-3-30, Code of Alabama 1975, to provide for the election of the officers of the Alabama State Bar and expansion of the membership of the Board of Bar Commissioners, with provisions for their selection and terms of office.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 744. To amend Section 32-8-87 of the Uniform Certificate of Title and Antitheft Act so as to remove the requirement that the vehicle's identification number plates must be returned to the Department of Revenue in certain instances when the vehicle is changed or is damaged to a certain extent, and to remove the requirement that the title of a rebuilt motor vehicle must be stamped rebuilt in certain instances.

H. 17. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

S. 385. To require that any bill introduced in the legislature which attempts to annex territory to a municipality or otherwise change the boundary lines of any municipality shall contain an accurate description of the territory to be annexed or removed from such municipality along with a map of such territory attached; to provide that a copy of such map be filed with the judge of probate of the county or counties where such territory is located and to require that any publication of notice of intent to apply for a local law annexing territory to a municipality or otherwise changing the boundary lines of any municipality shall state that a copy of such map is on file in the office of the probate judge and open to inspection by the public.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 28. (With Substitute): To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to provide for notice of meetings and to increase the penalties for violations.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 304. To amend Sections 36-20-3 and 36-20-31 of the Code of Alabama 1975, which sections relate to surety bond requirements for county and state at large notaries public, respectively, so as to increase the dollar amount of such bonds.

S. 276. To amend Section 40-12-198 of the Code of Alabama 1975, as amended, relating to the marking of vehicles operated by private and for-hire carriers.

S. 341. Changing the name of the department of pensions and securities to the "Alabama state department of human resources" and providing for the efficient replacement of certain supplies used by such department.

S. 316. To amend Section 28-3A-11 of the Code of Alabama 1975, relating to lounge retail liquor license so as to create a separation of package retail liquor license from the lounge retail liquor license.

H. 743. To regulate rental-purchase agreements; to require disclosure of certain information by the merchant to the consumer; to authorize reinstatement of agreements under certain conditions; to regulate advertising for rental-purchase agreements; to provide for damages for violations of this act; and to amend Section 5-19-1, Code of Alabama 1975, which defines certain terms for consumer finance purposes, so as to exclude rental-purchase agreements from the definition of credit sale.

Rep. Crow, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 170. To require all state entities and political sub-divisions thereof to purchase American made goods, to provide that contracts in violation are void, and to provide certain exceptions.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 720. To amend Section 21-1-16, Code of Alabama 1975, so as to require certain medical and health providers and certain governmental agencies to inform the Alabama Institute for Deaf and Blind of all cases of blindness, to require said Institute to create and provide a register form, to provide for the confidentiality of said form and to grant information suppliers certain civil and criminal immunity.

H. 731. To amend Section 34-23-70 of the Code of Alabama 1975, relating to the operation and management of pharmacies, so as to provide

for the return of medication under certain circumstances where each dose is individually sealed to prevent contamination.

H. 732. To amend Section 34-24-51 of the Code of Alabama 1975 relating to practicing medicine or osteopathy without a license, so as to provide for exemption of accredited Christian Scientists practicing healing by spiritual means.

S. 121. Relating to the practice of veterinary medicine and surgery in Alabama; to provide for the issuance, suspension, revocation and renewal of licenses for persons admitted to or engaged in the practice of veterinary medicine as a veterinarian or veterinary technician; to create the Alabama State Board of Veterinary Medicine to administer the act; to provide for its organization, officers, jurisdiction, powers and duties; to provide for certain inspections of facilities and the issuance of premise permits; to provide for hearings and appeals; to impose fees and charges and provide for the use of such; to prescribe penalties; and to repeal conflicting laws and to specifically repeal Sections 34-29-1 through 34-29-6, 34-29-20 through 34-29-23 and 34-29-40 through 34-29-46 of the Code of Alabama 1975.

S. 206. Relating to "The Lifesaving Organ Procurement Act of 1986", to state the Legislative intent; to define the word "organ" and "attending physician", to better provide for the public health by providing that on the occurrence of death of a patient in a hospital, who has not made an anatomical gift to take place upon death, the hospital administrator, or designated representative to request, of specified survivors, in accordance with Section 22-19-42 (b), Code of Alabama, 1975, in the order of priority stated, and when persons in prior classes are not available at the time of death, and in the absence of actual notice to the contrary by the decedent or one in a prior class, to consent to the gift of organs of the decedent's body; to provide such request and its disposition shall be noted in the patient's medical record; to provide, where, based upon medical criteria that such a request would not yield an anatomical gift which would be suitable for use, or, where, based upon the special and peculiar knowledge of the attending physician and/or concerning the circumstances surrounding the death of the patient, there is an exception to the request required by this Article and such determination shall be noted in the patient's medical record; to provide for immunity from civil damages or criminal prosecution to any person who acts in good faith accord; and to provide that the provisions of this Article are cumulative and, insofar as possible, shall be construed in pari materia with other laws relating to the public health and anatomical gifts.

S. 214. Relating to the acquisition and/or transportation of donor organs retrieved in Alabama; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, of organs retrieved in Alabama; but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of quality assurance; after Chairman establishes and promulgates initial standards of quality assurance, Chairman is to circulate proposed updating of quality assurance standards to institutions then performing organ transplantation, but Chairman shall still have final and sole decision to establish and promulgate whatever appropriate for updating standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation of organs

retrieved in Alabama shall strictly adhere to and follow established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 760. To characterize the relationship between a depositor and a depository institution and to distinguish between special and general deposits.

Rep. Cosby, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 381. (With Substitute): To amend sections 27-40-1, 27-40-8, 27-40-9, 27-40-10, and 27-40-12, Code of Alabama 1975, relating to insurance premium finance companies, so as to provide further for the regulation of such companies; to provide additional rates and charges allowable by such companies; and to provide for disbursement of the amount financed and to prohibit certain activities used to induce the financing of such insurance contracts.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 136. To create the Mowa Choctaw Housing Authority; provide for the terms of the members and officers of the Authority; and provide for the powers of the Authority.

H. 715. To amend Section 26-16-30 of the Code of Alabama 1975 relating to the Child Abuse and Neglect Prevention Board so as to further prescribe for disbursement of funds.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 52. Relating to lakes or ponds in this state which are privately owned by three or less owners; to prohibit one owner or his or her guests or licensees from fishing upon any portion of the lake owned by another joint owner without permission of the other joint owner or owners; to provide that persons who violate this act shall be guilty of a violation of trespass in the

third degree; and to authorize any landowner to obtain a professional land survey at his or her own expense of the property lying under the lake in order to determine which portion of the lake belongs to the landowner.

S. 296. To prohibit persons from willfully harassing or interfering with persons lawfully hunting wild game in this state; and to prescribe penalties.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 734. (With Amendment): To provide that any law enforcement officer who responds to a domestic relations disturbance shall advise any victim of such disturbance of the availability of shelter or other services in the community that can provide aid for such victim and shall further provide such victim with an immediate notice of any legal rights and remedies available.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 735. To amend Sections 30-5-2 through 30-5-10, Code of Alabama 1975, the "Protection from Abuse Act," for protection orders for the purpose of preventing domestic abuse; provides for court jurisdiction and venue; provides for court hearings for petitions for relief; provides for the contents and the issuance of protection orders; and provides penalties for violations of protective orders.

WHEREAS, the legislature of the State of Alabama finds that:

Thousands of persons in this state are regularly beaten and abused and some are killed by their spouses or other family members;

Many pregnant women are subject to repeated beatings;

Children are often physically assaulted or witness violence against one of their parents and suffer deep and lasting emotional harm from victimization and from exposure to domestic violence;

Domestic violence is a major health and law enforcement problem in this state and one that affects people of all racial and ethnic backgrounds and all socioeconomic classes;

Domestic violence can be deterred, prevented, or reduced by legal intervention;

Tacit acceptance of domestic violence by courts and law enforcement agencies has resulted in under enforcement of criminal law when the offender and victim are related or cohabit even though criminal law does not distinguish between violence against strangers and friends or men and women;

Victims of domestic violence presently experience substantial difficulty in gaining access to police or court protection, particularly in obtaining prompt police and court response to emergencies; and

Victims of domestic violence have a right to be safe in their homes.

This act shall be liberally construed and applied to promote the following purposes:

To assure victims of domestic violence the maximum protection from abuse that the law can provide;

To create a flexible and speedy remedy to discourage violence and harassment against family members or others with whom the perpetrator has continuing contact;

To expand the ability of law enforcement officers to assist victims, to enforce the law effectively in cases of domestic violence, and to prevent further incidents of abuse;

To facilitate equal enforcement of criminal law by deterring and punishing violence against family members and others who are personally involved with the offender; and

To recognize that battering is a crime that will no longer be excused or tolerated.

And to provide for protection orders for the purpose of preventing domestic abuse; to provide for court jurisdiction and venue; to provide for court hearing for petitions for relief; to provide for the contents and the issuance of protection orders; and to provide penalties for violations of protective orders; now therefore,

H. 736. To amend section 15-10-3, Code of Alabama 1975, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so as to provide that a law enforcement officer may arrest without a warrant in certain domestic abuse cases and when an officer has reasonable grounds to believe that a warrant for the person's arrest has been issued in this state.

H. 737. To provide that any law enforcement officer who responds to a call involving domestic abuse shall fill out and file a domestic abuse offense report.

H. 738. To provide that any law enforcement officer acting in good faith and exercising due care in the making of an arrest pursuant to a domestic relations disturbance shall be immune from any civil liability.

S. 398. To provide for the licensing by the Department of Revenue of salvage pools or businesses which sell or dispose of wrecked or damaged motor vehicles; to provide for the payment and distribution of fees; and to provide for penalties for violations.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 205. To amend Section 40-9-19, Code of Alabama, 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 667. (With Substitute): To amend Sections 11-50-234 and 11-50-313, Code of Alabama 1975, which provide for the number and terms of members of municipal utility boards, so as to increase the number of members of said boards.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 754. To amend Section 33-17-8 of the Code of Alabama 1975, relating to the powers granted to the Tombigbee Valley Development Authority, so as to expand and clarify the powers of said authority with respect to the acquisition, leasing and conveyance of property.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 267. Relating to Clay County; providing further for the expense allowance and salary for the county coroner.

S. 515. Relating to Colbert County and its municipalities for the purpose of said county and municipalities joining with Lauderdale County and its municipalities, for the purpose of forming a Shoals Industrial Development Authority for promoting industry and trade and the development of said counties and cities; to provide for the organization, powers, functions, duties and personnel of such authority, and for the payment of expenses of the authority and for the compensation of its employees.

S. 532. To authorize the governing body of any Class 7 municipality operating under a commission form of government and organized pursuant to Sections 11-44-1 through 11-44-57 inclusive, Code of Alabama 1975, as amended, to adopt an ordinance to designate the places and responsibilities of the commissioners of such municipality; to require candidates desiring to run for a place on the commission to qualify for election to the designated place in which they desire to serve; and to prohibit further changes by ordinance once the designations have been made but, on the contrary, to require such additional changes to be authorized by legislative act.

H. 725. Relating to Lawrence County; providing for equalization of the salaries of certain clerks employed in the offices of certain elected county officials and prescribing guidelines for future salary increases for such clerks.

H. 741. Relating to Barbour County, providing for the election of the County Board of Education; adopting single-member districts and repealing all conflicting laws.

H. 749. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Valley Head, in DeKalb County.

H. 750. Relating to Limestone County; to authorize the county commission to provide for hospital and medical insurance of retired county employees.

H. 757. Relating to Blount County; To provide for a special recording fee of $2.00, in addition to all existing recording fees and charges, for each

such document hereinafter filed for record in Blount County; and to provide for the expenditure of the funds in the office of the judge of probate.

H. 765. Relating to the City of Sylacauga in Talladega County; authorizing branch banking.

H. 767. To authorize the governing body of Pike County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county in an advisory referendum; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes by the Troy-Pike County Lake Authority for the Walnut Creek Lake Project if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an advisory referendum election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

H. 768. To amend the title and Section 1 of Act No. 82-317, H. 793 of the 1982 Regular Session (Acts 1982, p. 429) relating to allocation and distribution of certain oil and gas privilege tax revenues accruing to Fayette County or any municipality therein, so as to provide further for such allocation and distribution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 771. (With Amendments): Relating to Conecuh County; providing for the election of the County Board of Education; providing for the division of Conecuh County into five single-member County School Board Districts; providing for the term of office; and repealing all conflicting laws.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 772. Relating to Lauderdale County; levying a lodging tax, providing for the collection and distribution of said tax.

H. 774. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Elmore County, would authorize the legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Elmore County as public corporations to provide local public services, including the fighting and prevention of fires and the operation of emergency medical services, including rescue and ambulance services, to provide for the fixing, levy and collection by such districts of rates, fees and charges for such services, penalties for nonpayment and liens upon the property within such districts; and to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 775. (With Amendment): Relating to Coosa County; to provide further for the composition of the county commission; to provide that the judge of probate of Coosa County shall serve as a voting chairman on said commission; to provide for the election of the five associate commission members from single member districts within Coosa County; to provide for the terms of said commissioners; to provide that the associate members must reside within the boundaries of their district; to prescribe the salaries and duties of the associate commissioners; to prescribe the boundaries of certain districts; to empower the Coosa County Commission to determine the boundary line of certain commission districts; to empower said county commission to reapportion itself at certain times; to provide for the filling of vacancies in the office of associate commissioner; to provide for the employment of a county administrator and to prescribe the duties of the county administrator; to provide for the employment of a county engineer, and to prescribe the duties and responsibilities of such county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines and to provide that this act shall be null and void on the first Monday after the second Tuesday in January 1991.

H. 776. Relating to Coosa County; providing for the districts and election of the members of the county board of education.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 777. To repeal Act No. 316, H. 294, approved September 16, 1975, Regular Session 1975 (Acts 1975, p. 851), entitled, "An Act Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

H. 778. To repeal Act No. 696, H. 1389, approved October 2, 1975, Regular Session 1975 (Acts 1975, p. 1451), entitled, "An Act Relating to Coosa County; providing annual monthly expense allowances for the tax assessor, tax collector and circuit clerk of said county and giving this act retroactive effect."

H. 779. To repeal Act No. 352, H. 929, approved September 16, 1975, Regular Session 1975 (Acts 1975, p. 891), entitled, "An Act Relating to Coosa County; providing additional expense allowance for the members of the county commission, making the provisions of this act retroactive."

H. 787. Relating to Cherokee County; to amend Act No. 80-353, H. 981, 1980 Regular Session, which provides compensation for the members of the county commission, so as to provide further for travel allowances for said members and to provide for its retroactive effect.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 753. Relating to Mobile County, directing the Mobile County Board of School Commissioners to designate Martin Luther King's birthday as a legal holiday for school system purposes.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 782. (With Amendments): Relating to Mobile County; to provide that any authority or board operating in Mobile County selling water or gas to the public or industry, will be subject to the rules and regulations of the Public Service Commission of the State of Alabama.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 784. Relating to Mobile County, authorizing that the medical examiner may provide cornea tissue transplants.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 55. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board of General Contractors as provided in Sections 34-8-1 through 34-8-27 of the Code of Alabama 1975; with certain modifications; to amend Sections 34-8-2 and 34-8-24, so as to provide that application fees for licenses will be nonrefundable and to provide further for meetings of the board.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Barron, deGraffenried, and Foshee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Marietta, the House acceded to the request of the Senate to appoint a Committee on Conference to resolve the differences between the two Houses on the House amendment to the bill, S. 55.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Clark (D), Clark (J), Davis, Faulk, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Holmes,

Junkins, Laird, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Newman, Newton, Nicholson, Parker, Perdue, Poole, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turner, Venable, Warren, White (F), White (L) and Zoghby.

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COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Marietta, Hettinger and Buskey (JL).

S. 405 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 405, from the Standing Committee on Ways and Means to the Standing Committee on Public Welfare.

No objection being offered, the Speaker re-referred the bill, H. 746, from the Standing Committee on Ways and Means to the Standing Committee on Local Legislation No. 4.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Smith, Budget Isolation Resolution relating to H. B. 611, was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Melton, Mikell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

—76

And the bill:

H. 611. To establish the Farm Crisis and Transition Program and Commission in the State to provide needed career-oriented technical education and counseling services to farmers and agricultural businessmen in the State in the fields of agricultural finance and accounting, law, farm planning, vocational training and social services at a reasonable cost or on a no-cost basis; to provide supplemental job training to enable economically distressed farmers and agricultural businessmen to remain in farming or to retain their businesses or to facilitate an orderly transition from agriculture to other activities; to provide for the employment by the Commission of a program coordinator, necessary staff and specialist support personnel; to

provide that the Commission may appoint an advisory committee; to provide for regional offices to be established to coordinate local regional activities and provide for certification of qualified professionals in the fields of agricultural finance and accounting, law, farm planning, vocational training and social services; to provide farmers and agricultural businessmen seeking program assistance with names of qualified and certified professionals in their region; to ensure that regional offices actively initiate and maintain a highly visible public awareness program and prepare a descriptive system of periodic program reports with the Commission; to provide for coordination of the Commission's activities with all other state agencies involved in providing services to farmers; to authorize the Governor to accept, on behalf of the State, private contributions for the benefit of the Program; to provide for the severability of the provisions of this Act; and to provide an effective date.

Was taken up.

AMENDMENT OFFERED

Reps. Dutton and Reed offered the following amendment to the bill, H. 611:

Amendment to H. B. 611 on Page 4 line 10, after federation, add the words 3 fulltime farmers, one each to be appointed by the Governor, the Speaker, and the Lieutenant Governor.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Carothers, Clark (D), Clark (W), Coleman, Cosby, Crow, Dutton, Faulk, Ford, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Laird, Lauderdale, Lindsey, Martin, Mathis, McMillan, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Sasser, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—70

CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 611.

And the bill, H. 611 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W),

Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Box would have voted "Yea" on the bill, H. 611, had he been present at the time of voting.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 611:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Rogers, Sasser, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 538. To authorize the City of Montgomery, Montgomery County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

H. 577. To authorize the governing body of Butler County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county at an advisory referendum; to specify the rates at

which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

H. 594. Relating to Montgomery County; to establish a Retired Employees' Death Benefit Fund on behalf of the retired members of the Montgomery County Retirement System; provide for claims; provide for funding and provide for beneficiary changes associated with the Death Benefit Fund.

H. 643. Relating to Lee County, to provide further for a pistol permit fee in said county and the disposition and use of the proceeds of said fee, and to specifically repeal Act 972, H. 1407, Regular Session 1969 (Acts 1969, p. 1718), as amended.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN

Rep. Buskey (JE) offered the motion that the House adjourn until 2:00 o'clock p.m., Tuesday, March 25, 1986.

SUBSTITUTE MOTION OFFERED

Rep. Clark (J) offered the substitute motion that the House adjourn until 12:00 o'clock noon, Tuesday, March 25, 1986, and no further business be conducted.

SUBSTITUTE TO SUBSTITUTE MOTION LOST

The substitute offered by Rep. Buskey (JE) to the substitute motion offered by Rep. Clark (J) that the House adjourn until 2:00 o'clock p.m., Tuesday, March 25, 1986, and no further business be transacted, was lost.

Yeas 13; Nays 73.

Yeas:

Reps. Brakefield, Buskey (JE), Clark (W), Davis, Dutton, Escott, Goodwin, Kennedy, Marietta, Newton, Nicholson, Perdue and Rogers.

—13

Nays:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Box, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

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The question was then on the substitute motion offered by Rep. Clark (J)

that the House adjourn until 12:00 o'clock noon, Tuesday, March 25, 1986, and no further business be conducted.

SUBSTITUTE TO SUBSTITUTE MOTION ADOPTED

The substitute offered by Rep. Johnson (RW) to the substitute motion offered by Rep. Clark (J) that when the House adjourns today, it will adjourn to meet again at 12:00 o'clock noon, Tuesday, March 25, 1986, and no further business be transacted, was adopted.

Yeas 79; Nays 5.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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Nays: Reps. Buskey (JE), Dutton, Newton, Nicholson and Rogers. —5

MOTION TO ADJOURN LOST

The motion offered by Rep. Clark (J) that the House adjourn until 12:00 o'clock noon, Tuesday, March 25, 1986, was lost.

Yeas 14; Nays 70.

Yeas:

Reps. Brakefield, Bryant, Buskey (JE), Clark (W), Davis, Dutton, Grayson, Harper, Nicholson, Rains, Rogers, Sasser, Turner and White (F).

—14

Nays:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, McMillan, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turnham, Venable, Warren, White (G) and White (L).

—70

MOTION TO ADJOURN LOST

The motion offered by Rep. Buskey (JE) that the House adjourn until 2:00 o'clock p.m., Tuesday, March 25, 1986, was lost.

Yeas 12; Nays 77.

Yeas:

Reps. Brakefield, Bryant, Buskey (JE), Clark (W), Davis, Grayson, Kennedy, Marietta, Newton, Nicholson, Perdue and Rogers.

—12

Nays:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moore, Newman, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—77

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 313. To amend Sections 36-25-1, 36-25-14 and 36-25-27, Code of Alabama, so as to delete the definition of "legislative employee"; add the definition of "statement of economic interests"; to provide further for the filing of statement of economic interests by public officials and certain public employees; and to provide further for penalties for violations.

JIMMY CLARK,
Chairman.

And the bill, H. 313 as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 538. To authorize the City of Montgomery, Montgomery County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements

as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Also:

H. 577. To authorize the governing body of Butler County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county at an advisory referendum; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

Also:

H. 594. Relating to Montgomery County; to establish a Retired Employees' Death Benefit Fund on behalf of the retired members of the Montgomery County Retirement System; provide for claims; provide for funding and provide for beneficiary changes associated with the Death Benefit Fund.

Also:

H. 643. Relating to Lee County, to provide further for a pistol permit fee in said county and the disposition and use of the proceeds of said fee, and to specifically repeal Act 972, H. 1407, Regular Session 1969 (Acts 1969, p. 1718), as amended.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Holley, the Budget Isolation Resolution relating to H. B. 37, was temporarily postponed.

Yeas 41; Nays 32.

Yeas:

Reps. Adams, Bachus, Blake, Boles, Brakefield, Brooks, Bryant, Clark (D), Crow, Dutton, Flowers, Gaston, Goodwin, Grayson, Hettinger, Holley,

Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McDowell, McMillan, McNair, Melton, Moore, Newton, Nicholson, Onderdonk, Payne, Penry, Perdue, Preuitt, Rains, Rice, Sasser, Spratt, Starkey, Turner and White (F).

—41

Nays:

Mr. Speaker, Beasley, Blakeney, Box, Browder, Butler, Carter, Clark (J), Clark (W), Coleman, Cosby, Faulk, Gray, Grouby, Hammett, Harvey, Hooper, Junkins, Lindsey, McKee, Mitchell, Newman, Parker, Poole, Reed, Seibels, Smith, Starr, Turnham, Venable, White (G) and Zoghby.

—32

MOTION TO ADJOURN LOST

The motion offered by Rep. White (F) that the House adjourn was lost.

Yeas 28; Nays 47.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Bryant, Buskey (JE), Clark (D), Clark (W), Davis, Dutton, Escott, Goodwin, Harper, Kennedy, Lauderdale, Mathis, Melton, Mitchell, Newton, Payne, Perdue, Preuitt, Rains, Sasser, Spratt, Turner and White (F).

—28

Nays:

Reps. Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bugg, Butler, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, McDowell, McMillan, McNair, Mikell, Moore, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Seibels, Smith, Starkey, Starr, Trammell, Turnham, Venable, White (G) and Zoghby.

—47

SPECIAL ORDER RESUMED

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Boles, the rules were suspended in order to take up out of order the bill, H. 444.

BUDGET ISOLATION RESOLUTION LOST

The Budget Isolation Resolution relating to H. B. 444, was lost, lacking a three-fifths vote.

Yeas 46; Nays 35.

Yeas:

Reps. Adams, Albright, Beasley, Blake, Boles, Box, Brooks, Bryant, Buskey (JE), Carothers, Clark (D), Clark (W), Cosby, Davis, Dutton, Escott, Faulk, Goodwin, Grayson, Hall, Harper, Hettinger, Holley, Johnson (RW), Kennedy, Lindsey, Marietta, Martin, Mathis, McDowell, McNair, Melton,

Newton, Perdue, Reed, Rice, Rogers, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, White (F), White (L) and Zoghby.

—46

Nays:

Reps. Bachus, Browder, Bugg, Burke, Coleman, Crow, Ford, Gaston, Gray, Grouby, Hammett, Harvey, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mikell, Newman, Nicholson, Parker, Payne, Poole, Pratt, Preuitt, Rains, Sasser, Seibels, Smith, Venable, Warren and White (G).

—35

MOTION TO ADJOURN LOST

The motion offered by Rep. McDowell that the House adjourn was lost.

Yeas 36; Nays 47.

Yeas:

Mr. Speaker, Albright, Bachus, Biddle, Black, Blake, Boles, Bryant, Buskey (JE), Clark (D), Clark (W), Davis, Ford, Goodwin, Grayson, Harper, Harvey, Johnson (RW), Kennedy, Lauderdale, Marietta, Martin, Mathis, McDowell, Melton, Newton, Nicholson, Perdue, Preuitt, Sasser, Spratt, Thomas, Trammell, Turner, Warren and White (F).

—36

Nays:

Reps. Beasley, Blakeney, Box, Brakefield, Brooks, Browder, Bugg, Burke, Carothers, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Gray, Grouby, Hall, Hammett, Hettinger, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, McKee, McMillan, McNair, Mikell, Newman, Parker, Payne, Penry, Poole, Pratt, Rice, Richardson, Seibels, Smith, Starkey, Starr, Turnham, White (G), White (L) and Zoghby.

—47

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Penry, Budget Isolation Resolution relating to H. B. 473, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Clark (D), Clark (W), Coleman, Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Newton, Penry, Perdue, Poole, Preuitt, Richardson, Rogers,

Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G) and Zoghby.

—64

And the bill:

H. 473. To provide the State Department of Education the authority to enter into contracts for periods not greater than three years for the storage and distribution of the United States Department of Agriculture Commodities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Clark (D), Clark (W), Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Newman, Newton, Penry, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—69

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 18. To amend Act No. 39, H. 67, Second Special Session, 1971 (Acts 1971, p. 4173) to permit the application of chemical substances by aircraft in Shelby County under certain conditions.

Also:

S. 154. To create the Alabama Turkey Hunters Hall of Fame Board and Museum; to prescribe its purposes, membership and location; to provide for the appointment of its members and for the holding of meetings.

Also:

S. 228. Relating to Jackson County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed

the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McKee, the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. McKee, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. R. 339. MOURNING THE DEATH OF WILLIAM G. PAPPAS OF EUFAULA, ALABAMA.

MOTION TO ADJOURN LOST

The motion offered by Rep. Turner that the House adjourn until 12:00 o'clock noon, Tuesday, March 25, 1986, was lost.

Yeas 36; Nays 45.

Yeas:

Mr. Speaker, Albright, Biddle, Black, Blake, Boles, Britnell, Brooks, Buskey (JE), Clark (D), Clark (W), Davis, Dutton, Escott, Ford, Goodwin, Grayson, Hall, Harper, Harvey, Kennedy, Lauderdale, Marietta, McDowell, Mitchell, Nicholson, Preuitt, Rains, Reed, Rogers, Sasser, Smith, Thomas, Trammell, Turner and White (F).

—36

Nays:

Reps. Beasley, Blakeney, Box, Brakefield, Bryant, Bugg, Burke, Carothers, Clark (J), Coleman, Cosby, Crow, Faulk, Gaston, Gray, Grouby, Hammett, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Newman, Parker, Penry,

Poole, Pratt, Rice, Richardson, Seibels, Starkey, Starr, Tanner, Turnham, Warren, White (L) and Zoghby.

—45

SPECIAL ORDER RESUMED

And the bill:

H. 206. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

Was taken up.

S. 132 SUBSTITUTED FOR H. 206

On motion of Rep. Rice, the bill, S. 132, was substituted for the bill, H. 206.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Rice, Budget Isolation Resolution relating to S. B. 132, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mikell, Moore, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (L) and Zoghby.

—73

And the bill:

S. 132. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

Was read a third time at length and passed.

Yeas 75; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Clark (D), Clark (J), Clark (W), Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moore, Newton, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—75

Nay: Rep. Holley. —1

H. 206 INDEFINITELY POSTPONED

On motion of Rep. Rice, the bill, H. 206, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 207. Relating to the abandonment of the commission form of government by Class 6 municipalities; providing for a referendum on the question of adoption of a mayor-council form of government with five (5) single-member districts and a mayor to be elected at large, or in the alternative a council-manager form of government with five (5) single-member districts; establishing in the alternative said forms of government; providing for the establishment of boundaries of districts, salaries of mayor and council, and the call of election for the members of the council and for a mayor if a mayor-council form of government was adopted; providing for the term of office of the initial council, and for mayor if the mayor council form of government was adopted; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges and emoluments, for the preservation of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipalities and all ordinances; and providing for an effective date of this act, and the severability of the provisions of this act.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Smith, Budget Isolation Resolution relating to H. B. 37, was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Clark (D), Clark (W), Coleman, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moore, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—77

And the bill:

H. 37. To amend Section 41-4-150, Code of Alabama 1975, relating to the printing of the acts and journals, so as to reduce the number printed.

Was taken up.

AMENDMENT OFFERED

Rep. Smith offered the following amendment to the bill, H. 37:

Amend House Bill 37 on page 1, line 26 by deleting the number "1500" and inserting in lieu thereof the number "1300".

Further amend on page 1, line 34 by deleting the number "400" and inserting in lieu thereof the number "450".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Moore, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—81

And the bill, H. 37 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (JE), Carothers,

Clark (D), Clark (J), Clark (W), Coleman, Cosby, Crow, Davis, Escott, Flowers, Ford, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—81

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 323. COMMENDING WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM OF MOBILE, ALABAMA FOR WINNING THE ALABAMA 6-A BASKETBALL CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:00 A. M. on March 20, 1986.

H. J. R. 74.

Delivered to the Governor at 1:45 P. M. on March 20, 1986.

H. 538.

H. 577.

H. 594.

H. 643

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Biddle and pursuant to the substitute motion heretofore adopted, the House adjourned until 12:00 o'clock noon, Tuesday, March 25, 1986.

TWENTY-FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 25, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Dean Ashby, Southeast Christian Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT OF STANDING COMMITTEE ON RULES LOST

The motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twentieth legislative day and to adopt the report of the Standing Committee on Rules, was lost, lacking a four-fifths vote.

Yeas 58; Nays 18.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Box, Brooks, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, McNair, Mikell, Mitchell, Newman, Parker, Payne, Penry, Pratt, Preuitt, Reed, Rice, Richardson, Smith, Starkey, Starr, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—58

Nays:

Mr. Speaker, Blake, Bryant, Buskey (JE), Clark (W), Crow, Davis, Dutton, Escott, Holmes, Johnson (RW), Kennedy, Lauderdale, Newton, Onderdonk, Perdue, Rogers and Spratt.

—18

READING OF JOURNAL

The Speaker directed the clerk to read the Journal of the House of Representatives for the twentieth legislative day and the reading commenced.

The reading at length of the Journal of the House of Representatives for the twentieth legislative day having been completed, the Journal was approved as read.

LEAVE OF ABSENCE

At the request of Rep. Gaston, leave of absence was granted for Rep. Turner due to a death in the family.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 532. Relating to Walker County; to amend Act 83-428, Senate Bill 355, Regular Session, 1983 (Acts of Alabama, 1983, Volume 1, pages 607-608) so as to provide the Walker County Board of Education the authority to establish the salary of the Superintendent of Education of Walker County.

Also:

H. 618. Relating to Lowndes County; suspending the implementation of the provisions of Act No. 85-740, H. 900, 1985 Regular Session, as amended by Act No. 85-827, S. 150, 1985 2nd Special Session, until January 1, 1987.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 227. To name and designate the college resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College as Gadsden State Community College.

Also:

H. 264. Relating to Washington County; amending Act No. 39, H. 185, 1965 Regular Session, (Acts 1965, p. 57), which provides for the compensation of the members of the board of registrars, so as to provide further for said compensation.

Also:

H. 278. Relating to Calhoun County; providing for an increase in salary for the part-time bailiffs of said county.

Also:

H. 357. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, as amended by Act No. 631, H. 410, of the 1983 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Also:

H. 413. Proposing an amendment to the Constitution of 1901, authorizing and enabling the governing body of the City of Jackson, Clarke County, Alabama, to declare the need for the formation of a public corporation to carry out the provisions of the act and to function as a port authority, and to cause same to be organized; providing for its powers and duties; repealing conflicting provisions of this Constitution, 1901.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 185. To create the County Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among county governments; and to provide for the uses to which such moneys shall be put.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 323. COMMENDING WILLIAMSON HIGH SCHOOL GIRLS BASKETBALL TEAM OF MOBILE, ALABAMA FOR WINNING THE ALABAMA 6-A BASKETBALL CHAMPIONSHIP.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 207. Relating to the abandonment of the commission form of government by Class 6 municipalities; providing for a referendum on the question of adoption of a mayor-council form of government with five (5) single-member districts and a mayor to be elected at large, or in the alternative a council-manager form of government with five (5) single-member districts; establishing in the alternative said forms of government; providing for the establishment of boundaries of districts, salaries of mayor and council, and the call of election for the members of the council and for a mayor if a mayor-council form of government was adopted; providing for the term of office of the initial council, and for mayor if the mayor council form of government was adopted; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges and emoluments, for the preservation of all property owned by the municipality, all contracts in force, legal proceedings, and pension funds; and providing for the continuation of all subordinate agencies of the municipalities and all ordinances; and providing for an effective date of this act, and the severability of the provisions of this act.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 227. To name and designate the college resulting from the merger of Gadsden State Junior College, Gadsden State Technical Institute and Alabama Technical College as Gadsden State Community College.

Also:

H. 264. Relating to Washington County; amending Act No. 39, H. 185, 1965 Regular Session, (Acts 1965, p. 57), which provides for the compensation of the members of the board of registrars, so as to provide further for said compensation.

Also:

H. 278. Relating to Calhoun County; providing for an increase in salary for the part-time bailiffs of said county.

Also:

H. 357. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, as amended by Act No. 631, H. 410, of the 1983 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Also:

H. 532. Relating to Walker County; to amend Act 83-428, Senate Bill 355, Regular Session, 1983 (Acts of Alabama, 1983, Volume 1, pages 607-608) so as to provide the Walker County Board of Education the authority to establish the salary of the Superintendent of Education of Walker County.

Also:

H. 618. Relating to Lowndes County; suspending the implementation of the provisions of Act No. 85-740, H. 900, 1985 Regular Session, as amended by Act No. 85-827, S. 150, 1985 2nd Special Session, until January 1, 1987.

Also:

H. 185. To create the County Government Capital Improvement Fund; to make certain annual appropriations to such fund from the General Fund of the State based upon the amounts of income from the investment of certain moneys derived by the State from the leasing of rights in and royalty payments from offshore oil, gas and other hydrocarbon minerals; to provide for the distribution of such appropriations among county governments; and to provide for the uses to which such moneys shall be put.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 413. Proposing an amendment to the Constitution of 1901, authorizing and enabling the governing body of the City of Jackson, Clarke

County, Alabama, to declare the need for the formation of a public corporation to carry out the provisions of the act and to function as a port authority, and to cause same to be organized; providing for its powers and duties; repealing conflicting provisions of this Constitution, 1901.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 23. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF REVENUE RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 132. To further regulate and control alcoholic beverage transactions in wet counties and municipalities in Alabama under the control and supervision of the alcoholic beverage control board; to provide uniform definitions applicable to Chapter 3, Title 28, Code of Alabama 1975, and to the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, as amended, appearing as Chapter 3A, Title 28, Code of Alabama 1975, as amended, and to the Alabama Table Wine Act, being Act 80-382, Acts of Alabama 1980, as amended, appearing as Chapter 7, Title 28, Code of Alabama 1975, as amended; and to repeal all laws or parts of laws in conflict herewith.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 23. SUSTAINING THE SUSPENSION OF A DEPARTMENT OF REVENUE RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 340. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution, the following bills shall be made the special, paramount and continuing order of business for Tuesday, March 25, 1986, the 21st Legislative Day of the 1986 Regular Session of the Alabama Legislature, taking precedence over the regular order of business or any pending or unfinished business, and continuing on subsequent legislative days until such time as said bills are disposed of:

Bill No.	Page	Sponsor	Short Title
H. 213	102	Clark (J)	Medical Malpractice
H. 219	97	Clark (J)	Venue - Constitutional Amendment
H. 214	96	Clark (J)	Venue - Enabling act, C.A.
H. 216	97	Clark (J)	Venue - Forum non conveniens
H. 217	98	Clark (J)	Scintilla
H. 218	98	Clark (J)	Punitive Damages

SUBSTITUTE OFFERED

Rep. Holmes offered the following substitute to the resolution, H. R. 340:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution the following bills shall be made the special and paramount order of business for the 21st Legislative Day of the 1986 Regular Session, March 25, 1986, taking precedence over the regular order of business and any pending or unfinished business, except

Report of Standing Committees, until such time as said bills are disposed of:

Bill No.	Page	Sponsor	Short Title
H. 166	109	Coburn	General Fund

MOTION TO TABLE

Rep. Dutton offered the motion to table the substitute offered by Rep. Holmes to the resolution, H. R. 340.

MAIN QUESTION

On motion of Rep. Hall, the question was shall the main question now be put, and the motion was adopted.

Yeas 51; Nays 38.

Yeas:

Reps. Beasley, Beers, Biddle, Blakeney, Bowling, Box, Britnell, Browder, Bugg, Burke, Butler, Carothers, Clark (J), Coleman, Cosby, Faulk, Flowers, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, McKee, McMillan, Mikell, Mitchell, Newman, Parker, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Starkey, Starr, Thomas, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—51

Nays:

Mr. Speaker, Albright, Black, Brakefield, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (D), Clark (W), Crow, Davis, Dutton, Escott, Fuller, Goodwin, Grayson, Hall, Holmes, Johnson (RW), Kennedy, Lauderdale, Martin, Mathis, McDowell, Melton, Moore, Newton, Nicholson, Onderdonk, Perdue, Poole, Rains, Reed, Rogers, Spratt and Tanner.

—38

PERMISSION GRANTED

Permission was granted for the Journal to show Reps. Brooks and Hall voting "Yea" on the motion offered by Rep. Hall shall the main question now be put.

SUBSTITUTE TABLED

The question was then on the substitute offered by Rep. Holmes to the resolution, H. R. 340, and on motion of Rep. Clark (J), the substitute was tabled.

Yeas 70; Nays 23.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee,

McMillan, Mikell, Mitchell, Newman, Nicholson, Parker, Payne, Penry, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—70

Nays:

Mr. Speaker, Albright, Black, Bryant, Buskey (JE), Buskey (JL), Campbell, Crow, Davis, Dutton, Escott, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, McDowell, Newton, Onderdonk, Perdue, Poole, Rogers and Spratt.

—23

RESOLUTION ADOPTED

On motion of Rep. Clark (J), the resolution, H. R. 340, was adopted.

Yeas 74; Nays 23.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, McNair, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Tanner Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—74

Nays:

Mr. Speaker, Albright, Black, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Crow, Davis, Dutton, Escott, Grayson, Holmes, Johnson (RW), Lauderdale, McDowell, Melton, Newton, Perdue, Poole, Rogers and Spratt.

—23

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Parker, Martin, Drake and Dutton:

H. R. 341. CONGRATULATING AND COMMENDING THE DECATUR, ALABAMA, VIKINGS AS WINNERS OF THE JUNIOR MIDGET DIVISION OF THE 1985 POP WARNER FOOTBALL'S NATIONAL ACADEMIC/FOOTBALL CHAMPIONSHIPS.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 271. To grant tax exemptions for the benefit of certain air carriers; to exempt from the tax levied by Article 6 of Chapter 3 of Title 28 of the

Code of Alabama 1975 on the sale of spirituous or vinous liquors certain sales of spirituous or vinous liquors to a certificated or licensed air carrier with "a hub operation within this state," as herein defined; to amend Section 40-9-1, Code of Alabama 1975, by adding subdivision (24) to exempt from ad valorem tax all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-12-223, Code of Alabama 1975, by adding subdivision (13) to exempt from rental tax the gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-14-41, Code of Alabama 1975, by adding a subdivision (d)(2)(E) to provide for a deduction from the amount of capital employed in the state for purposes of computing the franchise tax applicable to foreign corporations the amount invested by the taxpayer in all real and personal property, equipment, facilities, structures and components thereof including all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-17-31, Code of Alabama 1975, by adding subdivision (d)(4) to exempt from excise tax gasoline or other fuel used to propel aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4, Code of Alabama 1975, by adding subdivision (40) to exempt from sales tax the gross receipts from the sale of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4 by adding subdivision (41) to exempt from sales tax the gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (32) to exempt from use tax the storage, use or other consumption of any aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; and to further amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (33) to exempt from use tax the storage, use or other consumption of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 271. To grant tax exemptions for the benefit of certain air carriers; to exempt from the tax levied by Article 6 of Chapter 3 of Title 28 of the Code of Alabama 1975 on the sale of spirituous or vinous liquors certain sales of spirituous or vinous liquors to a certificated or licensed air carrier

with "a hub operation within this state," as herein defined; to amend Section 40-9-1, Code of Alabama 1975, by adding subdivision (24) to exempt from ad valorem tax all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-12-223, Code of Alabama 1975, by adding subdivision (13) to exempt from rental tax the gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-14-41, Code of Alabama 1975, by adding subdivision (d)(2)(E) to provide for a deduction from the amount of capital employed in the state for purposes of computing the franchise tax applicable to foreign corporations the amount invested by the taxpayer in all real and personal property, equipment, facilities, structures and components thereof including all aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-17-31, Code of Alabama 1975, by adding subdivision (d)(4) to exempt from excise tax gasoline or other fuel used to propel aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4, Code of Alabama 1975, by adding subdivision (40) to exempt from sales tax the gross receipts from the sale of aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-4 by adding subdivision (41) to exempt from sales tax the gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state; to amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (32) to exempt from use tax the storage, use or other consumption of any aircraft, replacement parts, components, systems, supplies, sundries affixed or used on aircraft and ground support equipment and vehicles used by or for aircraft of a certificated or licensed air carrier with a hub operation within this state; and to further amend Section 40-23-62, Code of Alabama 1975, by adding subdivision (33) to exempt from use tax the storage, use or other consumption of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution relating to H. B. 213, was adopted.

Yeas 70; Nays 24.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Marietta, Mathis, McMillan, McNair, Mikell, Mitchell, Newman, Nicholson, Parker, Penry, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—70

Nays:

Mr. Speaker, Albright, Bachus, Black, Boles, Bryant, Buskey (JE), Buskey (JL), Clark (W), Crow, Davis, Dutton, Grayson, Holmes, Johnson (RW), Lauderdale, McDowell, Moore, Newton, Onderdonk, Perdue, Poole, Rogers and Spratt.

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And the bill:

H. 213. (With Amendment): Relating to "The Alabama Medical Liability Act of 1986" to state the legislative intent; to define the terms health care provider, professional negligence, future damages and periodic payment; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the award equals or exceeds one-hundred thousand dollars ($100,000.00) in future damages and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment debtor shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments; to provide in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence

that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed two-hundred fifty-thousand dollars ($250,000.00); and to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the defendent may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such benefits and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant and to provide that all policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this act; to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the action must be brought in the county where the negligent act or omission actually occurred or wherein the plaintiff resided at the time of the negligent act or omission and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars ($1,000,000.00); to provide that in any action for injury or damages whether in contract or in tort against a health care provider based on professional negligence the claimant shall have the burden of proving by a preponderance of the evidence that the actions of the health care provider breached the accepted standard of care and to provide that the standard of care shall be that which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical speciality or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this state, be trained and experienced in the same discipline or school of practice and practice in the same or similar medical community; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical speciality or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same speciality, and have practiced in the specialty during the year preceding the date that the alleged professional negligence occurred; to provide that evidence may not be received or admitted concerning the medical liability insurance of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages whether in contract or in tort

against a health care provider based on professional negligence the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to provide that an attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider based upon professional negligence in excess of specified limits and to provide that the limitations shall apply regardless of whether recovery is by settlement, arbitration or judgment or whether the person for whom the recovery is made is a responsible adult, an infant or a person of unsound mind and to provide that if periodic payments are made to the plaintiff the Court shall place a total value of such payments based upon the projected life expectancy of the plaintiff and shall include this amount in computing the total award from which attorney's fees are calculated under this section and to provide for the definition of the term "recovered"; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that this Act shall apply to all actions against health care providers based on professional negligence accruing after its effective date and as to such causes of action shall supersede any inconsistent provisions of law.

Was taken up.

AMENDMENT TABLED

On motion of Rep. Clark (J), the amendment reported by the Standing Committee on Ways and Means to the bill, H. 213, was tabled.

Yeas 64; Nays 23.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Mathis, McMillan, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—64

Nays:

Mr. Speaker, Albright, Bachus, Bryant, Buskey (JE), Buskey (JL), Clark (W), Crow, Davis, Dutton, Escott, Grayson, Holmes, Kennedy, Lauderdale, Marietta, McDowell, Newton, Perdue, Poole, Rains, Rogers and Spratt.

—23

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Smith and Turnham:

H. R. 342. COMMENDING AUBURN UNIVERSITY BASKETBALL TEAM.

H. 213 RESUMED

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 213:

Amend House Bill 213 on page 2, line 20 and on page 5, line 35 by adding the following sentence:

"To require all physicians in the State of Alabama to accept Medicare and Medicaid patients."

Amend House Bill 213 on page 13 after line 32 by inserting the following new section and renumbering all subsequent sections:

"Section 12. All physicians licensed to practice medicine in the State of Alabama shall accept any patient covered under Medicare or Medicaid."

AMENDMENT TABLED

On motion of Rep. Beasley, the amendment offered by Rep. Holmes to the bill, H. 213, was tabled.

Yeas 69; Nays 25.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Nicholson, Parker, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—69

Nays:

Mr. Speaker, Albright, Black, Boles, Bryant, Buskey (JE), Buskey (JL), Clark (W), Crow, Davis, Dutton, Escott, Grayson, Holmes, Kennedy, Lauderdale, McDowell, Moore, Newton, Onderdonk, Perdue, Rains, Rogers, Spratt and Thomas.

—25

AMENDMENT OFFERED

Rep. Bachus offered the following amendment to the bill, H. 213:

On page 5, after the word "law" change the period to a semicolon and then insert the following:

to provide that certain limitations on awards for injury and damages as prescribed herein shall be adjusted according to changes in the annual average of the Consumer Price Index as published at the end of each year by the Bureau of Labor Statistics of the United States Department of Labor

On page 13, line 37, insert a new Section 14 to read as follows:

Section 14. All limitations placed on awards for injury and damages by any of the aforementioned provisions of this act shall be adjusted according

to changes in the annual average of the Consumer Price Index (CPI) as published at the end of each year by the Bureau of Labor Statistics of the United States Department of Labor. Such adjustments shall be effective as of the first day of January of each year next following the year for which such annual average was published.

On page 14, line 2, renumber Section 14 to be Section 15.

On page 14, line 6, renumber Section 15 to be Section 16.

On page 14, line 16, renumber Section 16 to be Section 17.

AMENDMENT TABLED

On motion of Rep. Clark (J), the amendment offered by Rep. Bachus to the bill, H. 213, was tabled.

Yeas 55; Nays 36.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Box, Brakefield, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Mitchell, Newman, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (G) and White (L).

—55

Nays:

Mr. Speaker, Albright, Bachus, Black, Boles, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Cosby, Crow, Davis, Dutton, Escott, Fuller, Grayson, Hettinger, Holmes, Johnson (RW), Lauderdale, Marietta, McDowell, Mikell, Moore, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Rains, Rogers, Spratt and Zoghby.

—36

AMENDMENT OFFERED

Rep. Rogers offered the following amendment to the bill, H. 213:

§8, pg. 10, H. B. 213, by deleting the entire section and substituting the following:

Any injured person under the age of nineteen years at the time of the injury and who proves by a preponderance of the evidence that he will not be capable due to his injuries of gainful employment at any time in the future shall be awarded the sum of $1,200,000.00 for loss of future income. In all other actions wherein the injured party proves by a preponderance of the evidence that he has suffered a permanent partial employment disability due to his injuries, there will be a presumption that in the absence of injury the impaired party's income would have increased at a minimum of 5% per year for his expected work life. In no event shall future damages awarded be reduced by more than 5% per year during the period of expected loss when reducing the damages to present value. Evidence regarding inflation shall be admitted and received for the purposes of determining the amount of future damages.

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Rogers to the bill, H. 213, was tabled.

Yeas 65; Nays 23.

Yeas:

Reps. Adams, Albright, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Carothers, Clark (D, Clark (J), Coleman, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Nicholson, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—65

Nays:

Mr. Speaker, Black, Bryant, Buskey (JE), Buskey (JL), Clark (W), Cosby, Crow, Dutton, Escott, Holmes, Lauderdale, McDowell, Melton, Newton, Onderdonk, Parker, Perdue, Rains, Reed, Rogers, Spratt and Thomas.

—23

MOTION TO RECONSIDER LOST

Having voted on the prevailing side, Rep. Albright offered the motion to remove from the table the amendment offered by Rep. Rogers to the bill, H. 213, and the motion was lost.

Yeas 20; Nays 67.

Yeas:

Mr. Speaker, Albright, Black, Bryant, Buskey (JE), Clark (W), Crow, Davis, Dutton, Escott, Grayson, Lauderdale, McDowell, Moore, Newton, Perdue, Reed, Rogers, Spratt and Thomas.

—20

Nays:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Carothers, Clark (D), Clark (J), Coleman, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—67

AMENDMENT OFFERED

Rep. Holmes offered the following amendment #2 to the bill, H. 213:

Amend House Bill 213 on page 2, line 20 and on page 5, line 35 by adding the following sentence:

"To provide for a regulatory agency for the medical profession."

Further amend House Bill 213 on page 13 after line 32 by inserting the following new section and renumbering all subsequent sections:

"Section 12. There is hereby created a regulatory board for the purpose of establishing rules and regulations for the medical profession in the State of Alabama. Said Board shall be composed of six members. Two of these members shall be appointed by the Governor, two shall be appointed by the Lieutenant Governor, and two shall be appointed by the Speaker of the House of Representatives. Two of these members shall be black. There cannot be more than three members of the medical profession serving on the Board at the same time. Members shall serve for six years and are eligible for re-appointment upon the expiration of their terms. The Medical Regulatory Board established under the provisions of this bill shall have the power to issue rules and regulations setting standards for the issuance and revocation of medical licenses. The Board shall also have the power to establish uniform fee schedules to be charged by medical professionals in the State. The Board shall further have the power to impose sanctions for the violation of the rules and regulations duly promulgated by said Board."

AMENDMENT TABLED

On motion of Rep. Holmes, the amendment #2 offered by him to the bill, H. 213, was tabled.

Yeas 67; Nays 18.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—67

Nays:

Mr. Speaker, Bryant, Buskey (JE), Buskey (JL), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Holmes, Lauderdale, Melton, Newton, Onderdonk, Perdue, Rogers and Spratt.

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AMENDMENT OFFERED

Rep. Bachus offered the following amendment #2 to the bill, H. 213:

Amend House Bill 213, page 9, beginning on line 26 by striking Section 6. in its entirety.

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment #2 offered by Rep. Bachus to the bill, H. 213, was tabled.

Yeas 52; Nays 39.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Flowers, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Penry, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—52

Nays:

Mr. Speaker, Albright, Bachus, Black, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Cosby, Crow, Davis, Dutton, Escott, Ford, Fuller, Goodwin, Gray, Grayson, Holley, Holmes, Johnson (RW), Kennedy, Lauderdale, McDowell, Melton, Moore, Newton, Nicholson, Onderdonk, Parker, Perdue, Poole, Rains, Rogers, Spratt, Starkey and Thomas.

—39

AMENDMENT OFFERED

Rep. Johnson (RW) offered the following amendment to the bill, H. 213:

Amend §6, pg. 10, H. B. 213, by adding thereto subsection E., reading as follows:

E. In the event the defendant elects to introduce evidence of payments by collateral sources to the plaintiff pursuant to subsection A, evidence of the existance of liability insurance coverage for the defendant shall be admitted and received into evidence at the election of the plaintiff.

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Johnson (RW) to the bill, H. 213, was tabled.

Yeas 59; Nays 33.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Penry, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Smith, Starkey, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—59

Nays:

Mr. Speaker, Albright, Bachus, Black, Boles, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Fuller, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Martin, McDowell,

Melton, Moore, Newton, Nicholson, Onderdonk, Perdue, Rogers, Spratt and Thomas.

—33

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment to the bill, H. 213:

Amend House Bill 213 as follows:

In the Synopsis, page 1, line 21 after "($250,000.00)" by inserting per defendant and on page 2, line 7, after "($1,000,000.00)" by inserting per defendant

In the Title, page 3, line 24, after "($250,000.00)" by inserting per defendant and page 4, line 18, after ($1,000,000.00)" by inserting per defendant

In Section 5.B, page 9, line 25 after "($250,000.00)" by inserting per defendant

In Section 8, page 10, line 28, after "(1,000,000.00)" by inserting per defendant

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Onderdonk to the bill, H. 213, was tabled.

Yeas 64; Nays 29.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Lindsey, Mathis, McKee, McMillan, Mitchell, Moore, Newman, Nicholson, Parker, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—64

Nays:

Mr. Speaker, Albright, Black, Blake, Boles, Bryant, Buskey (JE), Buskey (JL), Clark (W), Cosby, Crow, Davis, Dutton, Escott, Fuller, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, McDowell, McNair, Melton, Newton, Onderdonk, Perdue, Rains, Rogers and Spratt.

—29

SUBSTITUTE OFFERED

Rep. Onderdonk offered the following substitute to the bill, H. 213:

A BILL
TO BE ENTITLED
AN ACT

Relating to "The Alabama Medical Liability Act of 1986" to state the legislative intent; to define the terms health care provider, professional

negligence, future damages and periodic payment; to provide that in any action for injury or damages in tort against a health care provider based on professional negligence the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the award equals or exceeds one-hundred thousand dollars ($100,000.00) in future damages and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments; to provide in any action for injury or damages in tort against a health care provider based on professional negligence that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed two-hundred fifty-thousand dollars ($250,000.00); and to provide that in any action for injury or damages in tort against a health care provider based on professional negligence the defendent may introduce evidence of any amount payable as the benefit to the plaintiff as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such benefits and to provide that no source of collateral benefits introduced under this sub-section shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant and to provide that all policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this act; to provide that in any action for injury or damages in tort against a health care provider based on professional negligence the action must be brought in the county where the negligent act or omission actually occurred or wherein the plaintiff resided at the time of the negligent act or omission and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages in tort against a health care provider based on professional negligence commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of one million dollars ($1,000,000.00); to provide that in any action for injury or damages in tort against a health care provider based on professional negligence

the claimant shall have the burden of proving by a preponderance of the evidence that the actions of the health care provider breached the accepted standard of care and to provide that the standard of care shall be that which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical speciality or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this state, be trained and experienced in the same discipline or school of practice and practice in the same or similar medical community; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical speciality or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same speciality, and have practiced in the specialty during the year preceding the date that the alleged professional negligence occurred; to provide that evidence may not be received or admitted concerning the medical liability insurance of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages in tort against a health care provider based on professional negligence the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to provide that an attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider based upon professional negligence in excess of specified limits and to provide that the limitations shall apply regardless of whether recovery is by settlement, arbitration or judgment or whether the person for whom the recovery is made is a responsible adult, an infant or a person of unsound mind and to provide that if periodic payments are made to the plaintiff the Court shall place a total value of such payments based upon the projected life expectency of the plaintiff and shall include this amount in computing the total award from which attorney's fees are calculated under this section and to provide for the definition of the term "recovered"; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that this Act shall apply to all tort actions against health care providers based on professional negligence accruing after its effective date and as to such causes of action shall supercede any inconsistent provisions of law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Statement of Legislative Intent. It is hereby declared by the legislature of the State of Alabama that the continuing availability of medical liability insurance at reasonable rates for the medical profession, medical institutions, and other health care providers is essential to provide adequate health services to the people of Alabama. In accordance with the previous declaration of the legislature contained in Act 513 of the regular session of the 1975 Alabama Legislature it is the declared intent of this Legislature to insure that quality medical services continue to be available at reasonable costs to the citizens of the State of Alabama. This Legislature finds and declares that the increasing threat of legal actions for alleged medical injury

causes and contributes to an increase in health care costs and places a heavy burden upon those who can least afford such increases, and that the threat of such actions contributes to expensive medical procedures to be performed by physicians and other health care providers which otherwise would not be considered necessary, and that the spiraling costs and decreasing availability of essential medical services caused by the threat of such litigation constitutes a danger to the health and safety of the citizens of this state, and that this Act should be given effect immediately to help control the spiraling cost of health care and to insure its continued availability. Additionally, the legislature finds that the increasing threat of legal actions for alleged medical injury has resulted in severe limitation on the number of insurers providing medical malpractice insurance for health care providers in this state. Because of the limited number of insurers offering medical malpractice coverage and because of the prejudice to the rights of the defendant health care provider through the interjection of evidence of insurance, the legislature finds that the interest of all citizens will best be served by prohibiting the introduction of evidence that a witness testifying at trial is insured by the same insurer as the defendant health care provider.

Section 2. This Article may be cited and known as "The Alabama Medical Liability Act of 1986" and is intended to supplement "The Alabama Medical Liability Act", Act No. 513 of the 1975 Alabama Legislature. The provisions of this act shall be construed so as to be consistent with Act. No. 513 of the Alabama Legislature and the legislative intent stated herein.

Section 3. Definitions. For the purposes of this act the following terms shall have the meanings respectively ascribed to them by this section:

1. Health Care Provider. A medical practitioner, dental practitioner, medical institution, physician, dentist, hosptial, or other health care provider as those terms are defined in §6-5-481.

2. Professional Negligence. A negligent act or omission to act by a health care provider in the rendering of professional services which act or omission is the proximate cause of a personal injury or wrongful death, provided that such services are within the scope of services for which the provider is licensed and which are not within any restriction imposed by the licensing agency or licensed hospital. This definition applies to all actions for injury or damages in tort based on professional negligence.

3. Future Damages. Damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, loss of consortium or future pain and suffering of the judgment creditor.

4. Periodic Payment. The payment of money or delivery of other property to the judgment creditor at regular intervals.

Section 4. A. In any action for injury or damages in tort against a health care provider based on professional negligence the trial court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump sum payment if the award of future damages equals or exceeds one-hundred thousand dollars ($100,000.00). In entering such a judgment the trial court shall determine in its discretion from the evidence offered at trial the amount of future damages contained in the jury award. In entering a judgment ordering the payment of future damages by periodic payments, the court shall make a specific finding as to the dollar amount of periodic payments which will

compensate the judgment creditor for such future damages as they may be incurred. As a condition to authorizing periodic payments for future damages, the court shall require the judgment debtor who is not adequately insured to post securtiy adequate to assure full payment of such damages awarded by the judgment. Upon termination of period payments of future damages the court shall order the return of this security, or so much as remains, to the judgment debtor.

B. The judgment ordering payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. Such payments shall only be subject to modification in the event of the death of the judgment creditor. In the event that the court finds that the judgment debtor has exhibited a continuing pattern of failure to make the payments as specified in this section, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including court costs and reasonable attorneys fees. If the judgment creditor dies prior to the termination of the period of years during which such payments are to be made, the liability of the judgment debtor shall cease and the estate of the judgment creditor shall have no claim for such payments, except that damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor but shall be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately prior to his death. In such cases the court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subdivision. Following the occurrence or expiration of all obligations specified in the periodic payment judgment any obligation of the judgment debtor to make future payments shall cease and any security given shall revert to the judgment debtor.

C. It is the intent of the legislature in enacting this section to authorize the entry of judgment in malpractice actions against health care providers which provide for the payment of future damages through periodic payments rather than lump sum payments. By authorizing periodic payment judgments it is the further intent of the legislature that the courts will utilize such judgments to provide compensation sufficient to meet the needs of an injured plaintiff and those persons who are dependent upon the plaintiff for whatever period is necessary while eliminating the potential windfall from a lump sum recovery which was intended to provide for the care of an injured plaintiff over an extended period who then dies shortly after the judgment is paid, leaving the balance of the judgment award to persons and purposes for which it was not intended. It is also the intent of the legislature that all elements of the periodic payment program be specified with certainty in the judgment ordering such payments and that the judgments shall not be subject to modification at some future time which might alter the specifications of the original judgment.

Section 5. A. In any action for injury in tort against a health care provider based on professional negligence, the injured plaintiff and spouse may be entitled to recover non-economic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damage. B. In no action shall the amount of recovery for non-economic losses either to the injured plaintiff, the plaintiff's

spouse and/or other lawful dependants exceed the sum of two-hundred fifty-thousand dollars ($250,000.00).

Section 6. A. In the event the defendant so elects, in an action for injury or damages in tort against a health care provider based upon professional negligence, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount which the plaintiff has paid or contributed to secure his right to such insurance benefits concerning which the defendant has introduced evidence.

B. No person, firm or corporation who is the source of collateral benefits introduced pursuant to subsection A shall recover any amount against the plaintiff nor shall it be subrogated to the rights of the plaintiff against the defendant. All policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this Act.

C. In all civil actions, information respecting benefits obtained or benefits which may be obtained by the plaintiff from any of the sources outlined in this section shall be subject to pre-trial discovery.

Section 7. In any action for injury or damages in tort against a health care provider based on professional negligence, the action must be brought in the county wherein the alleged negligent act or omission actually occurred or wherein the plaintiff resided at the time of the alleged negligent act or omission. For the convenience of parties and witnesses, in the interest of justice, a court may transfer any action to any other county where it might have been brought and/or may order a separate trial as to any claim or party.

Section 8. In any action commenced pursuant to §6-5-391 or §6-5-410 of this Code against a health care provider in tort based on professional negligence the amount of damages recovered by the plaintiff shall not exceed the sum of one million dollars ($1,000,000.00).

Section 9.A. In any action for injury or damages in tort against a health care provider based on professional negligence, the claimant shall have the burden of proving by a preponderance of the evidence that the alleged actions of the health care provider represented a breach of the accepted standard of care for the health care provider. The accepted standard of care of a given health care provider shall be that level of care, skill, and treatment which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances.

B. If the health care provider whose negligence is claimed to have created the cause of action is not certified by an appropriate American Board as being a specialist, is not trained and experienced in a medical specialty, or does not hold himself out as a specialist, a "similar health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this state; and

2. Is trained and experienced in the same discipline or school of practice; and

3. Practices in the same or similar medical community.

C. If the health care provider whose negligence is claimed to have created the cause of action is certified by an appropriate American Board as a specialist, is trained and experienced in a medical specialty, or holds himself out as a specialist, a "similar health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this or some other state; and

2. Is trained and experienced in the same specialty; and

3. Is certified by an appropriate American Board in the same specialty; and

4. Has practiced in this specialty during the year preceding the date that the alleged professional negligence occurred.

D. No evidence shall be admitted or received, whether of a substantive nature or for impeachment purposes, concerning the medical liability insurance, or medical liability insurance carrier, or any interest in an insurer that insures medical or other professional liability, of any witness presenting testimony as a "similar health care provider: under the provisions of this section.

E. The purpose of this subsection is to establish a relative standard of care for various categories and classifications of health care providers. A health care provider may testify as an expert witness in any action for injury or damages against another health care provider based on professional negligence only if he is a "similar health care provider: as defined above.

Section 10. In any action for injury or damages in tort against a health care provider based on professional negligence the minimum standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence. In all such actions, arising in tort, the Scintilla Rule of evidence is abolished. In all pleadings or motions filed in such actions testing the sufficiency of the evidence to support an issue of fact, including but not limited to motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and any other such motions or pleadings respecting the sufficiency of the evidence, the standard of proof required shall be proof by substantial evidence.

Section 11.A. An attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage in tort against a health care provider based upon professional negligence in excess of the following limits:

(1) Forty percent (40%) of the first fifty-thousand dollars ($50,000.00) recovered.

(2) Thirty-three and one-third percent (33⅓%) of the next fifty-thousand dollars ($50,000.00) recovered.

(3) Twenty-five percent (25%) of the next one-hundred thousand dollars ($100,000.00) recovered.

(4) Ten percent (10%) of any amount on which the recovery exceeds two-hundred thousand dollars ($200,000.00).

The limitations set forth herein shall apply regardless of whether the recovery is by settlement, arbitration, or judgment, or whether the person for whom the recovery is made is a responsible adult, an infant, or a person of unsound mind.

B. If periodic payments are awarded to the plaintiff the court shall place a total value of these payments based upon the projected life expectancy of the plaintiff and include this amount in computing the total award from which attorneys fees are calculated under this section.

C. For the purposes of this section "recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the complaint. Costs of medical care incurred by the plaintiff and the plaintiffs attorney office overhead costs or charges are not deductible disbursements or costs for such purpose.

Section 12. There is hereby created a cause of action for damages for malicious prosectution on the grounds that the party instituting a civil action for injury or damages in tort against a health care provider based on professional negligence knew or should have known that the same was without adequate legal basis, or false, or unfounded, or without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misuse judicial process by filing such a civil action known to be without legal basis, false or unfounded. In any action for malicious prosecution under this section, the injured party may recover actual damages including litigation costs paid by or on behalf of the injured party or in the alternative liquidated damages of five-hundred dollars ($500.00) plus a reasonable attorney's fee and all other costs of litigation. In an action for malicious prosecution under this section, actual malice need not be an element of the claim nor do special damages need to be proved. The elimination of these requirements in permitting the recovery of actual damages or liquidated damages, a reasonable attorney's fee and other costs of litigation is intended to be in derogation of the common law. The cause of action established by this section is not a compulsory counterclaim in the original civil action upon which it is based for the purposes of Rule 13, Alabama Rules of Civil Procedure.

Section 13. This act applies to all actions against health care providers based on professional negligence accruing after its effective date and as to such causes of action, shall supercede any inconsistent provision of law.

Section 14. The provisions of this Act are severable, and if any part thereof be declared unconstitutional or void by any cour to competent jurisdiction, such declaration shall not effect those parts remaining.

Section 15. All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Johnson (RW) offered the following substitute to the substitute offered by Rep. Onderdonk to the bill, H. 213:

A BILL
TO BE ENTITLED
AN ACT

Relating to "The Alabama Medical Liability Act of 1986" to state the legislative intent; to define the terms health care provider, professional

negligence, future damages and periodic payment; to provide that in any action for injury or damages in tort against a health care provider based on professional negligence the Circuit Court shall at the request of either party enter a judgment ordering that money damages be paid in whole or in part by periodic payments rather than by lump sum if the award equals or exceeds two-hundred thousand dollars ($200,000.00) in future damages and to require that a judgment debtor who is not adequately insured post security adequate to assure the full payment of such damages and to provide that the judgment shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments for the period of time over which payments shall be made and to provide that a judgment debtor exhibiting a continuing pattern of failure to make payments shall be found in contempt of court and shall be ordered to pay all damages caused by failure to make periodic payments, including court costs and attorneys fees and to provide that if the judgment creditor dies prior to the termination of the period of years specified in the judgment that the liability of the judgment shall cease except that damages awarded for loss of future earnings shall not be terminated but shall be paid to persons to whom the judgment creditor owed a duty of support and to provide that upon the petition of any party in interest the Court may modify the judgment to award and apportion unpaid future damages in accordance with this section and to state the legislative intent in providing for periodic payment of judgments; to provide in any action for injury or damages in tort against a health care provider based on professional negligence that the plaintiff shall be entitled to recover non-economic losses to compensate for pain, suffering and inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damages and that the amount of such damages shall not exceed five-hundred thousand dollars ($500,000.00); and to provide that in any action for injury or damages in tort against a health care provider based on professional negligence the plaintiff or defendent may introduce evidence of any amount payable as the benefit to the plaintiff or defendant as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health insurance, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage and any contract or agreement of any group, organization, partnership or corporation, to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services and to provide that the plaintiff or defendant may introduce evidence of any amount which the plaintiff or defendant has paid or contributed to secure his right to such benefits and to provide that no source of collateral benefits introduced under this subsection shall recover any amount against the plaintiff or defendant nor shall it be subrogated to the rights of the plaintiff or defendant against the plaintiff or defendant and to provide that all policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this act; to provide that in any action for injury or damages in tort against a health care provider based on professional negligence the action must be brought in the county where the negligent act or omission actually occurred or wherein the plaintiff or defendant resided at the time of the negligent act or omission and to provide that the court may transfer any action to any county where it might have been brought for the convenience of the parties and witnesses; to provide that any action for injury or damages in tort against a health care provider based on professional negligence commenced pursuant to §6-5-391 or §6-5-410 of this Code the amount of damages awarded to the plaintiff shall not exceed the sum of two million dollars ($2,000,000.00); to provide that in any action for

injury or damages in tort against a health care provider based on professional negligence the plaintiff and defendant shall have the burden of proving by a preponderance of the evidence that the actions of the health care provider breached the accepted standard of care and to provide that the standard of care shall be that which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances; to provide further that in an action against a health care provider not certified by the appropriate American Board as being a specialist, not trained or experienced in a medical speciality or not holding himself out as a specialist a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this state, be trained and experienced in the same discipline or school of practice and practice in the same or similar medical community; to provide further that in actions against a health care provider certified by the appropriate American Board as a specialist, trained and experienced in a medical speciality or holding himself out as a specialist, a "similar health care provider" shall be licensed by the appropriate regulatory agency or board of this or some other state, be certified by the appropriate American Board in the same speciality, and have practiced in the specialty during the year preceding the date that the alleged professional negligence occurred; to provide that evidence may not be received or admitted concerning the medical liability insurance of a witness testifying as a "similar health care provider"; to further provide that any health care provider may testify as an expert in any action if he is a "similar health care provider" pursuant to this section; to provide that in any action for injury or damages in tort against a health care provider based on professional negligence the standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence, to abolish the Scintilla Rule of evidence in such cases, to provide that in ruling on pleadings and motions testing the sufficiency of the evidence the standard of proof shall be proof by substantial evidence; to provide that an attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider based upon professional negligence in excess of specified limits and to provide that the limitations shall apply regardless of whether recovery is by settlement, arbitration or judgment or whether the person for whom the recovery is made is a responsible adult, an infant or a person of unsound mind and to provide that if periodic payments are made to the plaintiff the Court shall place a total value of such payments based upon the projected life expectency of the plaintiff and shall include this amount in computing the total award from which attorney's fees are calculated under this section and to provide for the definition of the term "recovered"; to establish a cause of action for malicious prosecution and to set forth the elements thereof; to provide that this Act shall apply to all tort actions against health care providers based on professional negligence accruing after its effective date and as to such causes of action shall supercede any inconsistent provisions of law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Statement of Legislative Intent. It is hereby declared by the legislature of the State of Alabama that the continuing availability of medical liability insurance at reasonable rates for the medical profession, medical institutions, and other health care providers is essential to provide adequate health services to the people of Alabama. In accordance with the previous declaration of the legislature contained in Act 513 of the regular session of the 1975 Alabama Legislature it is the declared intent of this Legislature to insure that quality medical services continue to be available at reasonable costs to the citizens of the State of Alabama. This Legislature finds and

declares that the increasing threat of legal actions for alleged medical injury causes and contributes to an increase in health care costs and places a heavy burden upon those who can least afford such increases, and that the threat of such actions contributes to expensive medical procedures to be performed by physicians and other health care providers which otherwise would not be considered necessary, and that the spiraling costs and decreasing availability of essential medical services caused by the threat of such litigation constitutes a danger to the health and safety of the citizens of this state, and that this Act should be given effect immediately to help control the spiraling cost of health care and to insure its continued availability. Additionally, the legislature finds that the increasing threat of legal actions for alleged medical injury has resulted in severe limitation on the number of insurers providing medical malpractice insurance for health care providers in this state. Because of the limited number of insurers offering medical malpractice coverage and because of the prejudice to the rights of the defendant health care provider through the interjection of evidence of insurance, the legislature finds that the interest of all citizens will best be served by prohibiting the introduction of evidence that a witness testifying at trial is insured by the same insurer as the defendant health care provider.

Section 2. This Article may be cited and known as "The Alabama Medical Liability Act of 1986" and is intended to supplement "The Alabama Medical Liability Act", Act No. 513 of the 1975 Alabama Legislature. The provisions of this act shall be construed so as to be consistent with Act. No. 513 of the Alabama Legislature and the legislative intent stated herein.

Section 3. Definitions. For the purposes of this act the following terms shall have the meanings respectively ascribed to them by this section:

1. Health Care Provider. A medical practitioner, dental practitioner, medical institution, physician, dentist, hosptial, or other health care provider as those terms are defined in §6-5-481.

2. Professional Negligence. A negligent act or omission to act by a health care provider in the rendering of professional services which act or omission is the proximate cause of a personal injury or wrongful death, provided that such services are within the scope of services for which the provider is licensed and which are not within any restriction imposed by the licensing agency or licensed hospital. This definition applies to all actions for injury or damages in tort based on professional negligence.

3. Future Damages. Damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, loss of consortium or future pain and suffering of the judgment creditor.

4. Periodic Payment. The payment of money or delivery of other property to the judgment creditor at regular intervals.

Section 4. A. In any action for injury or damages in tort against a health care provider based on professional negligence the trial court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump sum payment if the award of future damages equals or exceeds two-hundred thousand dollars ($200,000.00). In entering such a judgment the trial court shall determine in its discretion from the evidence offered at trial the amount of future damages contained in the jury award. In entering a judgment ordering the payment of future damages by periodic payments, the court shall make

a specific finding as to the dollar amount of periodic payments which will compensate the judgment creditor for such future damages as they may be incurred. As a condition to authorizing periodic payments for future damages, the court shall require the judgment debtor who is not adequately insured to post securtiy adequate to assure full payment of such damages awarded by the judgment. Upon termination of period payments of future damages the court shall order the return of this security, or so much as remains, to the judgment debtor.

B. The judgment ordering payment of future damages by periodic payments shall specify the recipient or recipients of the payments, the dollar amounts of the payments, the interval between payments, and the number of payments or the period of time over which payments shall be made. Such payments shall only be subject to modification in the event of the death of the judgment creditor. In the event that the court finds that the judgment debtor has exhibited a continuing pattern of failure to make the payments as specified in this section, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including court costs and reasonable attorneys fees. If the judgment creditor dies prior to the termination of the period of years during which such payments are to be made, the liability of the judgment debtor shall cease and the estate of the judgment creditor shall have no claim for such payments, except that damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor but shall be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately prior to his death. In such cases the court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subdivision. Following the occurrence or expiration of all obligations specified in the periodic payment judgment any obligation of the judgment debtor to make future payments shall cease and any security given shall revert to the judgment debtor.

C. It is the intent of the legislature in enacting this section to authorize the entry of judgment in malpractice actions against health care providers which provide for the payment of future damages through periodic payments rather than lump sum payments. By authorizing periodic payment judgments it is the further intent of the legislature that the courts will utilize such judgments to provide compensation sufficient to meet the needs of an injured plaintiff and those persons who are dependent upon the plaintiff for whatever period is necessary while eliminating the potential windfall from a lump sum recovery which was intended to provide for the care of an injured plaintiff over an extended period who then dies shortly after the judgment is paid, leaving the balance of the judgment award to persons and purposes for which it was not intended. It is also the intent of the legislature that all elements of the periodic payment program be specified with certainty in the judgment ordering such payments and that the judgments shall not be subject to modification at some future time which might alter the specifications of the original judgment.

Section 5. A. In any action for injury in tort against a health care provider based on professional negligence, the injured plaintiff and spouse may be entitled to recover non-economic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, loss of consortium and other non-pecuniary damage. B. In no action shall the amount of

recovery for non-economic losses either to the injured plaintiff, the plaintiff's spouse and/or other lawful dependants exceed the sum of five-hundred thousand dollars ($500,000.00).

Section 6. A. In the event the plaintiff or defendant so elects, in an action for injury or damages in tort against a health care provider based upon professional negligence, the plaintiff or defendant may introduce evidence of any amount payable as a benefit to the plaintiff or defendant as a result of the personal injury pursuant to the United States Social Security Act, any state or federal income disability or workers compensation act, any health, sickness or income disability insurance, accident insurance that provides health benefits or income disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental or other health care services. If the plaintiff or defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount which the plaintiff or defendant has paid or contributed to secure his right to such insurance benefits concerning which the plaintiff or defendant has introduced evidence.

B. No person, firm or corporation who is the source of collateral benefits introduced pursuant to subsection A shall recover any amount against the plaintiff or defendant nor shall it be subrogated to the rights of the plaintiff or defendant against the plaintiff or defendant. All policies of insurance providing benefits described in this section shall be construed in accordance with this section after the effective date of this Act.

C. In all civil actions, information respecting benefits obtained or benefits which may be obtained by the plaintiff or defendant from any of the sources outlined in this section shall be subject to pre-trial discovery.

Section 7. In any action for injury or damages in tort against a health care provider based on professional negligence, the action must be brought in the county wherein the alleged negligent act or omission actually occurred or wherein the plaintiff or defendant resided at the time of the alleged negligent act or omission. For the convenience of parties and witnesses, in the interest of justice, a court may transfer any action to any other county where it might have been brought and/or may order a separate trial as to any claim or party.

Section 8. In any action commenced pursuant to §6-5-391 or §6-5-410 of this Code against a health care provider in tort based on professional negligence the amount of damages recovered by the plaintiff shall not exceed the sum of two million dollars ($2,000,000.00).

Section 9. A. In any action for injury or damages in tort against a health care provider based on professional negligence, the plaintiff or defendant shall have the burden of proving by a preponderance of the evidence that the alleged actions of the health care provider represented a breach of the accepted standard of care for the health care provider. The accepted standard of care of a given health care provider shall be that level of care, skill, and treatment which is recognized by a reasonably prudent similar health care provider as being acceptable under similar conditions and circumstances.

B. If the health care provider whose negligence is claimed to have created the cause of action is not certified by an appropriate American Board as being a specialist, is not trained and experienced in a medical specialty, or

does not hold himself out as a specialist, a "similar health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this state; and

2. Is trained and experienced in the same discipline or school of practice; and

3. Practices in the same or similar medical community.

C. If the health care provider whose negligence is claimed to have created the cause of action is certified by an appropriate American Board as a specialist, is trained and experienced in a medical specialty, or holds himself out as a specialist, a "similar health care provider" is one who:

1. Is licensed by the appropriate regulatory board or agency of this or some other state; and

2. Is trained and experienced in the same specialty; and

3. Is certified by an appropriate American Board in the same specialty; and

4. Has practiced in this specialty during the year preceding the date that the alleged professional negligence occurred.

D. No evidence shall be admitted or received, whether of a substantive nature or for impeachment purposes, concerning the medical liability insurance, or medical liability insurance carrier, or any interest in an insurer that insures medical or other professional liability, of any witness presenting testimony as a "similar health care provider: under the provisions of this section.

E. The purpose of this subsection is to establish a relative standard of care for various categories and classifications of health care providers. A health care provider may testify as an expert witness in any action for injury or damages against another health care provider based on professional negligence only if he is a "similar health care provider: as defined above.

Section 10. In any action for injury or damages in tort against a health care provider based on professional negligence the minimum standard of proof required to test the sufficiency of the evidence to support any issue of fact shall be proof by substantial evidence. In all such actions, arising in tort, the Scintilla Rule of evidence is abolished. In all pleadings or motions filed in such actions testing the sufficiency of the evidence to support an issue of fact, including but not limited to motions for summary judgment, motions for directed verdict, motions for judgment notwithstanding the verdict, and any other such motions or pleadings respecting the sufficiency of the evidence, the standard of proof required shall be proof by substandial evidence.

Section 11.A. An attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage in tort against a health care provider based upon professional negligence in excess of the following limits:

(1) Forty percent (40%) of the first one hundred-thousand dollars ($100,000.00) recovered.

(2) Thirty-three and one-third percent (33⅓%) of the next one hundred-thousand dollars ($100,000.00) recovered.

(3) Twenty-five percent (25%) of the next one-hundred thousand dollars ($100,000.00) recovered.

(4) Ten percent (10%) of any amount on which the recovery exceeds two-hundred thousand dollars ($200,000.00).

The limitations set forth herein shall apply regardless of whether the recovery is by settlement, arbitration, or judgment, or whether the person for whom the recovery is made is a responsible adult, an infant, or a person of unsound mind.

B. If periodic payments are awarded to the plaintiff the court shall place a total value of these payments based upon the projected life expectancy of the plaintiff and include this amount in computing the total award from which attorneys fees are calculated under this section.

C. For the purposes of this section "recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the complaint. Costs of medical care incurred by the plaintiff and the plaintiffs attorney office overhead costs or charges are not deductible disbursements or costs for such purpose.

Section 12. There is hereby created a cause of action for damages for malicious prosectution on the grounds that the party instituting a civil action for injury or damages in tort against a health care provider based on professional negligence knew or should have known that the same was without adequate legal basis, or false, or unfounded, or without probable cause in the filing of such action, or that the same was filed as a part of a conspiracy to misusejudicial process by filing such a civil action known to be without legal basis, false or unfounded. In any action for malicious prosecution under this section, the injured party may recover actual damages including litigation costs paid by or on behalf of the injured party or in the alternative liquidated damages of five-hundred dollars ($500.00) plus a reasonable attorney's fee and all other costs of litigation. In an action for malicious prosecution under this section, actual malice need not be an element of the claim nor do special damages need to be proved. The elimination of these requirements in permitting the recovery of actual damages or liquidated damages, a reasonable attorney's fee and other costs of litigation is intended to be in derogation of the common law. The cause of action established by this section is not a compulsory counterclaim in the original civil action upon which it is based for the purposes of Rule 13, Alabama Rules of Civil Procedure.

Section 13. This act applies to all actions against health care providers based on professional negligence accruing after its effective date and as to such causes of action, shall supercede any inconsistent provision of law.

Section 14. The provisions of this Act are severable, and if any part thereof be declared unconstitutional or void by any cour to competent jurisdiction, such declaration shall not effect those parts remaining.

Section 15. All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

MOTION TO INDEFINITELY POSTPONE

Rep. Johnson (RW) offered the motion to indefinitely postpone the substitute offered by him to the substitute offered by Rep. Onderdonk to the bill, H. 213.

MOTION IN WRITING

Rep. Sasser offered the following Motion in Writing:

"Shall the main question now be put?"

And the Motion in Writing was adopted.

Yeas 49; Nays 43.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Box, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Faulk, Flowers, Ford, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Lindsey, McKee, McMillan, Mikell, Newman, Parker, Payne, Penry, Pratt, Preuitt, Richardson, Sasser, Seibels, Smith, Starkey, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—49

Nays:

Mr. Speaker, Albright, Bachus, Black, Blake, Boles, Brakefield, Britnell, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Coburn, Cosby, Crow, Davis, Dutton, Escott, Fuller, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Marietta, Martin, Mathis, McDowell, McNair, Melton, Moore, Newton, Nicholson, Onderdonk, Perdue, Poole, Rains, Reed, Rogers, Spratt, Tanner and Thomas.

—43

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:45 P.M. on March 25, 1986.

H. J. R. 323

H. 207

H. 227

H. 264

H. 278

H. 357

H. 532

H. 618

H. 185

Delivered to the Secretary of State at 2:53 P.M. on March 25, 1986.

H. 413 (CONSTITUTIONAL AMENDMENT)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

The hour of 12:00 o'clock, midnight, having arrived, the Speaker declared the twenty-first legislative day had ended and, no motion to adjourn having been offered, the Speaker, at 12:01, a.m., March 26, 1986, called the House to order for the twenty-second legislative day.

TWENTY-SECOND DAY

House of Representatives
Montgomery, Alabama
Wednesday, March 26, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Charles Britnell, Russellville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—105

A quorum was present.

MOTION TO SUSPEND RULES AND ADOPT REPORT OF STANDING COMMITTEE ON RULES

Rep. Clark (J) offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-first legislative day and to adopt the report of the Standing Committee on Rules.

DIVISION OF THE QUESTION

Rep. Buskey (JE) called for the Division of the Question and the call was sustained.

MOTION IN WRITING

Rep. Carothers offered the following Motion in Writing:

I move that the previous question now be put on the report of the Standing Committee on Rules.

And the Motion in Writing was adopted.

Yeas 48; Nays 41.

Yeas:

Reps. Beasley, Beers, Biddle, Box, Brakefield, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Lindsey, McKee, McMillan, Mikell, Parker, Penry, Pratt, Preuitt, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Warren, White (F), White (G) and Zoghby.

—48

Nays:

Mr. Speaker, Albright, Bachus, Black, Blake, Britnell, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Coburn, Crow, Davis, Dutton, Escott, Ford, Fuller, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Marietta, Martin, Mathis, McDowell, McNair, Melton, Newton, Nicholson, Onderdonk, Perdue, Poole, Rains, Reed, Rice, Rogers, Spratt, Thomas and Venable.

—41

MOTION TO RECESS TABLED

On motion of Rep. Sasser, the motion offered by Rep. McDowell that the House stand in recess until 12:00 o'clock noon, was tabled.

Yeas 57; Nays 31.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Faulk, Flowers, Ford, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, McKee, McMillan, Mikell, Mitchell, Newman, Nicholson, Parker, Penry, Preuitt, Rice, Richardson, Sasser, Seibels, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—57

Nays:

Mr. Speaker, Albright, Black, Brakefield, Bryant, Buskey (JE), Buskey (JL), Clark (W), Coburn, Crow, Davis, Dutton, Grayson, Holmes, Johnson (RW),

Kennedy, Lauderdale, Marietta, Mathis, McDowell, McNair, Melton, Newton, Onderdonk, Perdue, Poole, Rains, Reed, Rogers, Spratt and Starkey.

—31

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Clark (J) to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-first legislative day, and the motion was lost, lacking a four-fifths vote.

Yeas 65; Nays 28.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, McKee, McMillan, Mikell, Mitchell, Parker, Payne, Penry, Pratt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (G) and Zoghby.

—65

Nays:

Mr. Speaker, Albright, Black, Blake, Bryant, Buskey (JE), Buskey (JL), Clark (W), Coburn, Crow, Davis, Dutton, Escott, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Mathis, McDowell, McNair, Melton, Newton, Onderdonk, Perdue, Poole, Rogers and Spratt.

—28

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House of Representatives for the twenty-first legislative day, and the reading commenced.

The reading at length of the Journal for the twenty-first legislative day having been completed, the Journal was approved as read.

SPECIAL ORDER CONTINUED

SUBSTITUTE TO SUBSTITUTE INDEFINITELY POSTPONED

The question was then on the motion offered by Rep. Johnson (RW) on the twenty-first legislative day to indefinitely postpone the substitute offered by him to the substitute offered by Rep. Onderdonk to the bill, H. 213, and the substitute was indefinitely postponed.

Yeas 68; Nays 15.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Flowers, Ford, Fuller, Gaston, Goodwin, Gray,

Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Onderdonk, Parker, Payne, Penry, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—68

Nays:

Mr. Speaker, Albright, Black, Blake, Bryant, Buskey (JE), Buskey (JL), Clark (W), Crow, Davis, Dutton, Holmes, Johnson (RW), Lauderdale and Rogers.

—15

SUBSTITUTE LOST

The question was then on the substitute offered by Rep. Onderdonk to the bill, H. 213, on the twenty-first legislative day, and the substitute was lost.

Yeas 22; Nays 69.

Yeas:

Mr. Speaker, Albright, Black, Blake, Bryant, Buskey (JE), Buskey (JL), Campbell, Coburn, Crow, Davis, Dutton, Escott, Holmes, Johnson (RW), Kennedy, Lauderdale, Marietta, Onderdonk, Perdue, Rains and Rogers.

—22

Nays:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—69

And the bill, H. 213, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 24.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, McNair, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice,

Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—74

Nays:

Mr. Speaker, Albright, Bachus, Black, Blake, Brooks, Bryant, Buskey (JE), Buskey (JL), Cosby, Davis, Dutton, Escott, Grayson, Holmes, Johnson (RW), Lauderdale, McDowell, Melton, Newton, Onderdonk, Perdue, Rogers and Spratt.

—24

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Zoghby recorded as voting "Yea" on the bill, H. 213.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution relating to H. B. 219, was adopted.

Yeas 74; Nays 16.

Yeas:

Reps. Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Nicholson, Parker, Payne, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—74

Nays:

Mr. Speaker, Black, Buskey (JE), Buskey (JL), Crow, Davis, Dutton, Escott, Grayson, Johnson (RW), Lauderdale, Marietta, Newton, Onderdonk, Rains and Rogers.

—16

MOTION TO ADJOURN LOST

The motion offered by Rep. Davis that the House adjourn until 10:00 o'clock a.m., Thursday, March 27, 1986, was lost.

Yeas 31; Nays 64.

Yeas:

Mr. Speaker, Albright, Black, Blake, Brakefield, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Coburn, Crow, Davis, Dutton, Escott, Goodwin,

Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Marietta, McDowell, McNair, Newton, Onderdonk, Perdue, Rains, Reed, Rogers and Spratt.

—31

Nays:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Nicholson, Parker, Payne, Penry, Poole, Pratt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—64

SPECIAL ORDER RESUMED

And the bill:

H. 219. Proposing an amendment to Article XII, Section 232, Constitution of Alabama relating to suits against foreign corporations and providing that the Legislature of the State of Alabama shall have the authority to provide in which county suit against such corporations shall be brought and maintained.

Was taken up.

MOTION TO INDEFINITELY POSTPONE

Rep. Johnson (RW) offered the motion to indefinitely postpone the bill, H. 219.

MOTION IN WRITING

Rep. Box offered the following Motion in Writing:

Shall the main question now be put?

And the motion in writing was adopted.

Yeas 51; Nays 35.

Yeas:

Reps. Beasley, Beers, Biddle, Bowling, Box, Brakefield, Brooks, Browder, Burke, Butler, Carothers, Clark (D), Clark (J), Coleman, Cosby, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Lindsey, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Pratt, Preuitt, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—51

Nays:

Mr. Speaker, Albright, Bachus, Black, Blake, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Coburn, Crow, Davis, Dutton, Escott, Fuller, Grayson, Johnson (RW), Kennedy, Lauderdale, Marietta, Martin,

McDowell, Newton, Nicholson, Onderdonk, Payne, Perdue, Poole, Rains, Reed, Rogers, Spratt and Thomas.

—35

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Thomas recorded as voting "Yea" on the bill, H. 213.

H. 219 RESUMED

The question was then on the motion offered by Rep. Johnson (RW) to indefinitely postpone the bill, H. 219, and the motion was lost.

Yeas 22; Nays 66.

Yeas:

Mr. Speaker, Black, Bryant, Buskey (JE), Buskey (JL), Coburn, Crow, Davis, Dutton, Escott, Holmes, Johnson (RW), Lauderdale, Marietta, McDowell, Nicholson, Onderdonk, Payne, Perdue, Rains, Rogers and Spratt.

—22

Nays:

Reps. Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—66

And the bill, H. 219, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 20.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starr, Tanner, Thomas, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—68

Nays:

Mr. Speaker, Albright, Black, Bryant, Buskey (JE), Buskey (JL), Davis, Dutton, Escott, Grayson, Holmes, Lauderdale, Marietta, McDowell, Nicholson, Payne, Perdue, Rains, Rogers and Spratt.

—20

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution relating to H. B. 214, was adopted.

Yeas 68; Nays 16.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Reed, Richardson, Sasser, Seibels, Smith, Spratt, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—68

Nays:

Mr. Speaker, Albright, Black, Bryant, Buskey (JE), Buskey (JL), Crow, Davis, Dutton, Escott, Grayson, Johnson (RW), Lauderdale, Onderdonk, Perdue and Rogers.

—16

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Hooper recorded as voting "Yea" on the bill, H. 219.

MOTION TO ADJOURN LOST

The motion offered by Rep. Davis that the House adjourn until 11:00 o'clock a.m., Thursday, March 27, 1986, was lost.

Yeas 27; Nays 55.

Yeas:

Mr. Speaker, Albright, Black, Blake, Brakefield, Britnell, Buskey (JE), Buskey (JL), Cosby, Crow, Davis, Dutton, Escott, Goodwin, Grayson, Johnson (RW), Kennedy, Lauderdale, Lindsey, Marietta, Mathis, McDowell, Onderdonk, Perdue, Rogers, Spratt and Thomas.

—27

Nays:

Reps. Adams, Bachus, Beasley, Beers, Blakeney, Bowling, Box, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Faulk,

Flowers, Ford, Fuller, Gaston, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Martin, McKee, McMillan, Mikell, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Tanner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—55

MOTION TO ADJOURN LOST

The motion offered by Rep. Blake that the House adjourn until 11:30 o'clock a.m., Thursday, March 27, 1986, was lost.

Yeas 27; Nays 54.

Yeas:

Mr. Speaker, Black, Blake, Brakefield, Bryant, Buskey (JE), Buskey (JL), Clark (D), Cosby, Crow, Davis, Dutton, Goodwin, Grayson, Johnson (RW), Kennedy, Lindsey, Marietta, McDowell, Onderdonk, Perdue, Rains, Reed, Rogers, Seibels, Spratt and Starkey.

—27

Nays:

Reps. Adams, Bachus, Beasley, Beers, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carter, Clark (J), Coleman, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Martin, McKee, McMillan, Mikell, Nicholson, Parker, Payne, Penry, Poole, Rice, Richardson, Sasser, Smith, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—54

SPECIAL ORDER RESUMED

And the bill:

H. 214. To amend Section 6-3-7, Code of Alabama, to provide that actions against foreign corporations for personal injuries must be commenced in the county where the injury occurred or in the county where the plaintiff resides if such corporation does business by agent in the county of plaintiff's residence; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Was taken up.

MOTION TO INDEFINITELY POSTPONE

Rep. Johnson (RW) offered the motion to indefinitely postpone the bill, H. 214.

MOTION IN WRITING

Rep. Carothers offered the following Motion in Writing:

Shall the main question now be put?

And the motion was adopted.

Yeas 53; Nays 28.

Yeas:

Reps. Beasley, Beers, Biddle, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Lindsey, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Penry, Perdue, Preuitt, Richardson, Sasser, Seibels, Smith, Spratt, Starr, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—53

Nays:

Mr. Speaker, Albright, Bachus, Black, Blake, Bryant, Buskey (JE), Buskey (JL), Campbell, Coburn, Crow, Davis, Dutton, Escott, Fuller, Grayson, Johnson (RW), Kennedy, Lauderdale, Marietta, Martin, McDowell, Nicholson, Onderdonk, Payne, Poole, Reed and Rogers.

—28

The question was then on the motion offered by Rep. Johnson (RW) to indefinitely postpone the bill, H. 214, and the motion was lost.

Yeas 23; Nays 65.

Yeas:

Mr. Speaker, Albright, Black, Blake, Brakefield, Bryant, Buskey (JE), Buskey (JL), Crow, Davis, Dutton, Escott, Grayson, Johnson (RW), Lauderdale, Marietta, McDowell, Nicholson, Onderdonk, Perdue, Poole, Rogers and Spratt.

—23

Nays:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Parker, Payne, Penry, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—65

And the bill, H. 214, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 14.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Mitchell,

Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—74

Nays:

Mr. Speaker, Black, Bryant, Buskey (JE), Buskey (JL), Davis, Dutton, Escott, Holmes, Lauderdale, Marietta, Perdue, Rogers and Spratt.

—14

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution relating to H. B. 216, was adopted.

Yeas 68; Nays 15.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Nicholson, Parker, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—68

Nays:

Mr. Speaker, Albright, Bryant, Buskey (JE), Buskey (JL), Crow, Davis, Dutton, Grayson, Holmes, Lauderdale, Onderdonk, Perdue, Rogers and Spratt.

—15

And the bill:

H. 216. To provide that any court of general jurisdiction shall, for the convenience of parties and witnesses, or in the interest of justice, transfer a civil action to any other court of general jurisdiction in Alabama in which the civil action might properly have been filed; to provide that any such transferred action shall proceed as though it had been originally filed in the second court; to provide that the right to move for a transfer of venue pursuant to this Act is cumulative and in addition to the rights of a defendant under Alabama Code (1975) Section 6-3-20, Section 6-3-21 or Alabama Rules of Civil Procedure Rule 82(d); to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; to provide the civil actions to which this bill would apply; and to provide the manner in which this bill becomes law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 14.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter,

Clark (D), Clark (J), Coleman, Cosby, Crow, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Mitchell, Nicholson, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—75

Nays:

Mr. Speaker, Albright, Black, Bryant, Buskey (JE), Buskey (JL), Davis, Dutton, Grayson, Holmes, Lauderdale, Perdue, Rogers and Spratt.

—14

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution relating to H. B. 217, was adopted.

Yeas 67; Nays 17.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Nicholson, Parker, Payne, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—67

Nays:

Mr. Speaker, Albright, Black, Bryant, Buskey (JL), Crow, Davis, Dutton, Grayson, Holmes, Kennedy, Lauderdale, Onderdonk, Perdue, Rains, Rogers and Spratt.

—17

And the bill:

H. 217. To provide that in all civil actions in the courts of the State of Alabama, the sufficiency of any claim or defense shall be tested by a minimum standard of proof of substantial evidence; to provide that substantial evidence shall be minimum standard of proof to determine whether an issue of fact shall be submitted to a jury; to provide that substantial evidence shall be the minimum standard of proof for other rulings of the Court, including without limitation, motions for summary judgment, motions for directed verdict, motions judgment notwithstanding the verdict, and other such motions or pleadings involving the sufficiency of the evidence; to provide for the abolition of the scintilla rule; to provide for standards of proof higher than substantial evidence when required by statute, or rule or decision of the courts of the State; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Was taken up.

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 217:

Amend H. B. 217, Page 3, by adding an additional section to read as follows:

Section 7. The provisions of this bill shall not apply to civil rights cases.

AMENDMENT TABLED

On motion of Rep. Carothers, the motion offered by Rep. Holmes to the bill, H. 217, was tabled.

Yeas 47; Nays 34.

Yeas:

Reps. Adams, Beasley, Biddle, Blakeney, Bowling, Box, Brooks, Burke, Butler, Carothers, Carter, Clark (J), Coleman, Cosby, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Kvalheim, Laird, Lindsey, Mathis, McKee, Mikell, Mitchell, Newman, Payne, Penry, Pratt, Preuitt, Richardson, Sasser, Seibels, Smith, Starr, Tanner, Turnham, White (G) and White (L).

—47

Nays:

Mr. Speaker, Albright, Black, Blake, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Coburn, Davis, Dutton, Grayson, Holmes, Johnson (RW), Junkins, Kennedy, Lauderdale, Martin, McDowell, McMillan, Nicholson, Onderdonk, Perdue, Poole, Rains, Reed, Rice, Rogers, Spratt, Venable, Warren, White (F) and Zoghby.

—34

And the bill, H. 217, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 16.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Bowling, Box, Britnell, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Tanner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—72

Nays:

Mr. Speaker, Albright, Black, Buskey (JE), Buskey (JL), Coburn, Davis, Dutton, Grayson, Holmes, Kennedy, Lauderdale, Onderdonk, Perdue, Rains and Rogers.

—16

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Pratt would have voted "Yea" on the bills, H. 214 and H. 219, had he been in the Chamber at the time of voting.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution relating to H. B. 218, was adopted.

Yeas 59; Nays 29.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Ford, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Parker, Payne, Penry, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starr, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—59

Nays:

Mr. Speaker, Albright, Bachus, Black, Brooks, Bryant, Buskey (JL), Campbell, Clark (W), Coburn, Crow, Davis, Dutton, Escott, Fuller, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Marietta, Nicholson, Onderdonk, Poole, Rains, Reed, Rogers, Spratt and Tanner.

—29

And the bill:

H. 218. To provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama, punitive damages as defined within this Act must be proved beyond a reasonable doubt, shall be set by the judge not to exceed the amount of any damages assessed against the defendant other than punitive damages or $100,000.00 whichever is less after determination of the liability for such by the jury or other trier of fact; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Was taken up.

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 218:

Amend H. B. 218, page 2, Section 2, line 13, by striking "$100,000.00" and inserting in lieu thereof the following: $250,000.00

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 19.

Yeas:

Reps. Adams, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—72

Nays:

Mr. Speaker, Black, Bryant, Buskey (JE), Buskey (JL), Coburn, Davis, Dutton, Fuller, Grayson, Holmes, Johnson (RW), Lauderdale, Marietta, Moore, Perdue, Reed, Rogers and Spratt.

—19

SUBSTITUTE OFFERED

Rep. Bachus offered the following substitute to the bill, H. 218 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide that in all civil actions, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, punitive damages as defined within this act shall not exceed the amount of any damages assessed against the defendant other than punitive damages or $250,000.00; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In any civil action, except civil actions for wrongful death pursuant to Sections 6-5-391 and 6-5-410, Code of Alabama 1975, where punitive damages as hereinafter defined are claimed, the plaintiff shall be limited in recovery of punitive damages as hereinafter provided.

(b) Punitive damages are defined as that amount of money which will punish the defendant for the wrong committed or which will serve as a

deterrent to prevent similar wrongs by the defendant and others in the future.

Section 2. Liability for punitive damages shall be determined by the jury or other such trier of the fact, and shall not exceed an amount equal to the judgment entered against the defendant for any damages other than punitive damages or $250,000.00.

Section 3. If this section, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this act which is not in and of itself invalid or unconstitutional. Moreover, if the application of this act, or of any portion hereof, to any person or circumstance is held invalid, the invalidity shall not affect the application of the act to other persons or circumstances which can be given effect without the invalid provision or application.

Section 4. This act shall not affect the rights of any person if such rights accrued prior to the effective date of this act.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION IN WRITING

Rep. Sasser offered the following Motion in Writing:

Shall the main question be now put?

And the Motion in Writing was adopted.

Yeas 51; Nays 31.

Yeas:

Reps. Bachus, Beasley, Beers, Biddle, Box, Brakefield, Brooks, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Flowers, Gaston, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Junkins, Lindsey, Mathis, McKee, McMillan, Mikell, Newman, Parker, Payne, Penry, Pratt, Preuitt, Richardson, Sasser, Smith, Starr, Turner, Turnham, Warren, White (F), White (G), White (L) and Zoghby.

—51

Nays:

Mr. Speaker, Albright, Black, Blake, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Coburn, Crow, Davis, Dutton, Escott, Fuller, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Marietta, Martin, Moore, Nicholson, Onderdonk, Perdue, Poole, Reed, Rogers, Spratt and Tanner.

—31

SUBSTITUTE LOST

The question was then on the substitute offered by Rep. Bachus to the bill, H. 218 as amended, and the substitute was lost.

Yeas 36; Nays 52.

Yeas:

Mr. Speaker, Albright, Bachus, Blake, Brakefield, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Coburn, Cosby, Crow, Davis, Escott, Fuller, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Marietta, Mikell, Moore, Nicholson, Onderdonk, Payne, Perdue, Poole, Pratt, Rains, Reed, Rogers, Seibels and Spratt.

—36

Nays:

Reps. Adams, Beasley, Beers, Blakeney, Bowling, Box, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Faulk, Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mitchell, Newman, Parker, Penry, Richardson, Sasser, Smith, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—52

And the bill, H. 218 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 28.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Parker, Payne, Penry, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—66

Nays:

Mr. Speaker, Albright, Bachus, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Clark (W), Coburn, Davis, Dutton, Escott, Grayson, Holmes, Johnson (RW), Kennedy, Lauderdale, Marietta, Nicholson, Onderdonk, Perdue, Poole, Rains, Reed, Rogers, Spratt and Tanner.

—28

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, the rules were suspended in order to take up out of order the bill, H. 775.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 775, was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Burke, Carothers, Clark (D), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—73

And the bill:

H. 775. (With Amendment): Relating to Coosa County; to provide further for the composition of the county commission; to provide that the judge of probate of Coosa County shall serve as a voting chairman on said commission; to provide for the election of the five associate commission members from single member districts within Coosa County; to provide for the terms of said commissioners; to provide that the associate members must reside within the boundaries of their district; to prescribe the salaries and duties of the associate commissioners; to prescribe the boundaries of certain districts; to empower the Coosa County Commission to determine the boundary line of certain commission districts; to empower said county commission to reapportion itself at certain times; to provide for the filing of vacancies in the office of associate commissioner; to provide for the employment of a county administrator and to prescribe the duties of the county administrator; to provide for the employment of a county engineer, and to prescribe the duties and responsibilities of such county engineer; to provide for the operation of a road and bridge department on the basis of the county as a unit, without regard to any district or beat lines and to provide that this act shall be null and void on the first Monday after the second Tuesday in January 1991.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 775, page 2, Section 1, line 10, after the word "act." by adding the following:

For the purpose of transacting official business, a quorum shall consist of the chairman and three associate commissions or four associate commissioners.

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Carothers, Clark (D), Coburn, Coleman, Cosby, Davis, Faulk, Flowers, Gaston, Goodwin,

Gray, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, McKee, McMillan, Mikell, Mitchell, Newman, Nicholson, Payne, Penry, Poole, Pratt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—67

And the bill, H. 775 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Nicholson, Payne, Penry, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—71

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Warren, the rules were suspended in order to take up out of order the bill, H. 771.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Warren, Budget Isolation Resolution relating to H. B. 771, was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Carothers, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Mathis, McKee, McMillan, Mikell, Mitchell, Moore, Newman, Nicholson, Payne, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Turnham, Venable, Warren, White (F) and White (L).

—64

And the bill:

H. 771. (With Amendments): Relating to Conecuh County; providing for the election of the County Board of Education; providing for the division of Conecuh County into five single-member County School Board Districts; providing for the term of office; and repealing all conflicting laws.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 1, on line 23 after the word "laws" insert:

and to specifically repeal Act 384 of the 1953 Regular Session and Act 84-641 of the 1984 Regular Session

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Carothers, Clark (D), Clark (W), Coburn, Coleman, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Mathis, McKee, McMillan, Mikell, Moore, Nicholson, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Starkey, Starr, Trammell, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—61

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 771, page 2, Section 2, line 4 after the word "Conecuh-" by striking ~~Bulter~~ and inserting in lieu thereof the following: Butler

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Carothers, Clark (D), Coburn, Coleman, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Martin, Mathis, McKee, McMillan, Mikell, Moore, Newman, Nicholson, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Starkey, Starr, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—62

And the bill:

H. 771. Relating to Conecuh County; providing for the election of the County Board of Education; providing for the division of Conecuh County into five single-member County School Board Districts; providing for the term of office; and repealing all conflicting laws and to specifically repeal Act 384 of the 1953 Regular Session and Act 84-641 of the 1984 Regular Session.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Bugg, Burke, Carothers, Clark (D), Clark (W), Coburn, Coleman, Davis, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hooper, Junkins, Kvalheim, Laird, Martin, McKee, McMillan, Mikell, Moore, Newman, Nicholson, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Trammell, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—61

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Smith, the rules were suspended in order to take up out of order the bill, H. 687.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Smith, Budget Isolation Resolution relating to H. B. 687, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Bryant, Bugg, Carothers, Clark (D), Coburn, Coleman, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Mathis, McKee, McMillan, Mikell, Newman, Nicholson, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Starkey, Starr, Trammell, Turnham, Venable, Warren, White (F) and White (L).

—54

And the bill:

H. 687. (With Amendment): Relating to Chilton County; to create a license-issuing division within the tax collector's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail, such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes, the issuance of licenses by the tax collector's office; and to transfer certain duties now performed by the tax assessor and probate judge to said office.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 687, in the Title, page 1, at the beginning of line 13, by striking ~~licence~~ and inserting in lieu thereof license

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Carothers, Clark (D), Clark (W), Coburn, Faulk, Flowers, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Johnson (RG), Kvalheim, Laird, Mathis, McMillan, Mikell, Mitchell, Newman, Nicholson, Payne, Poole, Preuitt, Reed, Rice, Sasser, Smith, Starkey, Starr, Trammell, Turnham, Venable, Warren, White (F) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 687. Relating to Chilton County; to create a license-issuing division within the tax collector's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail, such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes, the issuance of licenses by the tax collector's office; and to transfer certain duties now performed by the tax assessor and probate judge to said office.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (JL), Carothers, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Fuller, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Nicholson, Poole, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—59

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Clark (J), the rules were suspended in order to take up out of order the bill, H. 741.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Clark (J), Budget Isolation Resolution relating to H. B. 741, was adopted.

Yeas 57; Nays 0.

Yeas:

Reps. Adams, Beasley, Biddle, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (JL), Carothers, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Nicholson, Payne, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Starkey, Starr, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—57

And the bill:

H. 741. Relating to Barbour County, providing for the election of the County Board of Education; adopting single-member districts and repealing all conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Bugg, Buskey (JL), Carothers, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Nicholson, Payne, Poole, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Smith, Starr, Trammell, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—61

STANDING COMMITTEES TO MEET

On motion of Rep. Johnson (RW), the Standing Committees were granted permission to meet during the recess.

RESOLUTIONS

The following resolution was introduced:

By Rep. Venable:

H. J. R. 343. CREATING THE COOSA COUNTY GOVERNMENTAL STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Coosa County Governmental Study Commission for the purpose of considering the form of government for Coosa County, Alabama, after January 14, 1991. The Study Commission shall be composed initially of 17 citizens appointed as follows: one each shall be appointed by the five members who shall constitute the county commission until January 14, 1991; one shall be appointed by the chairman of the county commission; one each shall be appointed by the five members of the county board of education, including

those who shall be elected in November, 1986; two each shall be appointed by the governing bodies of each municipality in the county; one each shall be appointed by legislators serving Coosa County after the November, 1986 general election. The Study Commission, by a majority vote of those appointed, may add members if it deems such additions in the best interest of the county. Vacancies shall be filled by the original appointing authority.

BE IT FURTHER RESOLVED, That each appointing authority shall file with the chief clerk of the Coosa County Probate Office the name, address and phone number of his or her appointee no later than Friday, November 7, 1986. An organizational meeting shall be held at the county courthouse at 7:00 p.m., Thursday, November 13, 1986, for the purpose of electing a chairman, vice-chairman, secretary and a treasurer and such other officers as the Study Commission deems necessary. The secretary shall record all official actions of all meetings and make the same available to the public at an appropriate place in the courthouse. At the initial meeting, no official actions shall be taken except elections and a time fixed for the next meeting. Every effort shall be made to publicize all meetings of the Study Commission and all meetings shall be open to the public.

RESOLVED FURTHER, That Study Commission members shall serve without pay or expenses and no county funds shall be expended, but the county commission may provide clerical assistance and supplies when requested by the Study Commission chairman; provided, however, the Study Commission may accept contributions and expend same by majority vote of a quorum of the commission, with both the chairman and treasurer endorsing checks. A quorum for transacting any official business shall be one more than half the number serving.

BE IT FURTHER RESOLVED, That the Study Commission shall report its findings, conclusions and recommendations to the Coosa County governing body and to the Coosa County legislative delegation no later than January 12, 1988, at which time the commission shall be dissolved.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to each member of the Coosa County Commission, each member of the Coosa County Board of Education, and to the municipalities of Goodwater and Rockford.

The resolution H. J. R. 343, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Zoghby, Clark (W), Kennedy, Marietta, Gaston, Harper, Kvalheim, Turner, Buskey (JE) and Box:

H. R. 344. COMMENDING JOSEPH N. LANGAN OF MOBILE, ALABAMA FOR HIS SERVICE TO THIS CITY.

BILLS ON SECOND READING

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 780. Relating to Lawrence County; prescribing certain guidelines to be used in determining the salary and expense allowances of the county superintendent of education.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 783. (With Amendments): Relating to Mobile County; establishing a race track regulating authority for motor cross racing or stock car racing in Mobile County.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 167. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1987.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 269. To authorize any county commission except counties with a population over 200,000 to establish the office of supernumerary county commissioner; to prescribe the qualifications and the duties of such officer; to provide notice to the public for the intention thereof; and to prescribe the benefits of such officer.

Rep. McKee, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 746. Relating to the 15th Judicial Circuit of Alabama; providing for and establishing investigators for the district attorney's office; providing for the hiring, salaries, expenses, authority and duties of such investigators and to specifically repeal Act No. 456, S. 394, of the 1973 Regular Session (Acts 1973, p. 645).

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Turner:

H. 793. To reopen the state employees' retirement system so that certain members thereof may purchase certain service credit for time when such members were employed by the state under provisional appointment status.

Committee on Ways and Means.

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 794. Relating to Limestone County; to provide that any municipality whose corporate limits or boundaries include lands lying outside of Limestone County, must, in addition to all other requirements of law, obtain the consent of the Limestone County Commission before annexation of lands lying in Limestone County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 794, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 795. To amend Code of Alabama 1975, Section 8-6-56, to provide that the securities commission shall fix the salary of the director.

Committee on Ways and Means.

By Rep. Dutton (With Notice and Proof):

H. 796. Relating to Morgan Co., providing a salary supplement for the supernumerary clerk of the circuit court.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 796, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newman, Lauderdale, and Britnell (With Notice and Proof):

H. 797. Relating to Marion County, to amend the title and section 2 of Act No. 85-933, H. 243, 1985 Second Special Session, which act provides for certain court costs which expire on September 30, 1986, unless continued, so as to extend the date to January 16, 1989.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 797, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW):

H. 798. To provide subsistence allowance for police communication officers employed by the Department of Public Safety while on duty and to authorize expenditure of funds for that purpose.

Committee on Ways and Means.

By Reps. Johnson (RW) and Melton (With Notice and Proof):

H. 799. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Tuscaloosa City Board of Education, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the county, which, when added to the rate at which there is being levied and collected in the said special school tax district for such tax year a special ad valorem tax for educational purposes pursuant to Amendment No. 164 to the Constitution, does not exceed $1.55 on each one hundred dollars (15.5 mills on each dollar) of assessed value.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 799, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Johnson (RW) and Melton:

H. 800. To propose an amendment to the Constitution of Alabama relating to the levy and collection of special property taxes for public school purposes in the Special School Tax District in Tuscaloosa County, Alabama, which is under the jurisdiction and control of the Tuscaloosa City Board of Education.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Tanner:

H. 801. To amend Section 32-5A-154 of the Code of Alabama 1975 relating to motor vehicles stopping for school buses, so as to define the term controlled-access highway.

Committee on Judiciary.

By Rep. Rogers (With Notice and Proof):

H. 802. To provide authority to the Park and Recreation Boards of Class I municipalities to pay an expense allowance to members of the Board.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 802, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Beasley:

H. 803. To prohibit the control of non-bank banks in this State by bank holding companies and other companies, to define non-bank bank, bank holding company, company and control; to provide for administrative enforcement by the Superintendent of Banks; to provide for severability of the provisions of this Act; to provide for the repeal of conflicting laws and to provide an effective date.

Committee on Banking.

By Reps. Hall and Richardson (With Notice and Proof):

H. 804. Relating to Jackson County; authorizing the county commission to set the fee schedule for mailing out motor vehicle license plates.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 804, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Grayson, Hettinger, Hall, Butler, Carter, Brooks, and Albright (With Notice and Proof):

H. 805. To provide further for the filling of vacancies in county offices of Madison County.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 805, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman and Rains (With Notice and Proof):

H. 806. Relating to Marshall County; providing further for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority; repeals Act No. 80-318, 1980 Regular Session, Act No. 82-190, 1982 Regular Session, Act No. 83-708, 1983 Regular Session, Act No. 84-460, 1984 Regular Session, and Act No. 84-637, 1984 Regular Session; and providing for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 806, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW):

H. 807. To amend Section 12-15-6, Code of Alabama 1975 so as to specifically provide that a juvenile court judge may direct the juvenile court referee to perform certain administrative duties and acts in the temporary absence of the juvenile court judge or at any time that the judge determines such action to be necessary to the efficient operation of the court and to provide an effective date.

Committee on Judiciary.

By Reps. Kvalheim, Gaston, Harper, and Zoghby:

H. 808. To exempt the Muscular Dystrophy Association, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Buskey (JE):

H. 809. Relating to Mobile County; creating and providing for a county racing commission for the regulation, licensure and supervision of dog racing and wagering thereon; prescribing the composition, appointment, powers and duties of the commission; providing for and regulating the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; providing for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this act; and providing for penalties.

Committee on State Administration.

By Reps. Ford, Coleman, Newman, and White (L):

H. 810. Establishing on a permanent basis the Joint Interim Legislative Children and Youth Study Committee; providing for the membership of such committee; prescribing the functions of such committee; providing office space and clerical assistance for such committee; providing for a salaried coordinator for such committee and providing for the compensation and expenses of the members of such committee.

Committee on Ways and Means.

By Rep. Sasser (With Notice and Proof):

H. 811. Relating to Dale County; to further amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages on the property of a municipal or county-owned airport.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 811, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 812. To establish an official state nongame wildlife print or wildlife stamp; provides for funding of the program establishing the print or stamp; and provides that the program shall be administered by the Department of Conservation and Natural Resources.

Committee on Ways and Means.

By Rep. Black (With Notice and Proof):

H. 813. Relating to Greene County; providing certain additional compensation for the members of the board of registrars to be paid from the county general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 813, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black (With Notice and Proof):

H. 814. Relating to Greene County, authorizing the county commission to expend funds for day care centers.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 814, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Beasley (With Notice and Proof):

H. 815. Relating to Henry County; providing further for the expense allowance of the members of the county board of education; repealing Act No. 81-261, H. 642 (Acts 1981, p. 345); and providing for its retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 815, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby and Buskey (JE):

H. 816. To exempt the Mobile Community Organization from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Laird (With Notice and Proof):

H. 817. Relating to Randolph County; providing further for the compensation of the members of the board of registrars.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 817, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Laird and Lindsey:

H. 818. To amend section 32-6-272, Code of Alabama 1975, relating to the issuance of license plates to fire fighters, so as to authorize the issuance of said plates at no cost to the recipient.

Committee on Ways and Means.

By Reps. Rice, Drake, Turnham, Coleman, Grouby, Junkins, Biddle, Richardson, Butler, Melton, Crow, Browder, Burke, Flowers, Buskey (JE), Clark (W), Onderdonk, McMillan, Kvalheim, Gaston, Harper, Zoghby, Kennedy, Warren, Nicholson, Reed, Fuller, Venable, Newman, Bowling, Tanner, Moore, Gray, Rogers, Davis, Payne, White (G), Smith, Seibels, Bachus, Carter, Hall, Dutton, Lauderdale, Bugg, Starkey, Mikell, Johnson (RG), Brakefield, Laird, Hammett, Bryant, Blakeney, Hooper, McKee, Starr, Buskey (JL), Carothers, Mathis, Beasley, Faulk, Cosby, Penry, Rains, Preuitt, Adams, White (L), Brooks, Ford, Spratt, Newton, Perdue, Clark (D), Goodwin, Escott, Sasser, Box, Blake, Parker, Beers, Britnell, Mitchell, Lindsey, and Martin:

H. 819. To permit the Alabama Housing Finance Authority to relinquish portions of the State tax-exempt, non-essential function bond volume cap to which it is entitled in calendar year 1986 under a certain proposed federal law.

Committee on Commerce and Industrial Development.

By Rep. Warren (With Notice and Proof):

H. 820. Relating to the Conecuh County government, to change the composition of the Conecuh County Commission to provide that the county commission shall consist of five associate members elected from five single-member districts, and a chairman selected by the five members; and said chairman shall preside at all meetings and shall be entitled to vote on all matters coming before the county commission; to provide for the terms of said commissioners, and to require that the members of the commission shall reside within the boundaries of their respective districts; to set out the boundaries of each district; to empower the commission to place any omitted parcel within Conecuh County into a district, and to determine the true boundary line of district in the event of any ambiguity or confusion therein; to provide that the Conecuh County Commission is further empowered to reapportion itself as provided by law, after receiving the results of each population census to provide for the filling of vacancies on the commission; etc.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 820, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolution was introduced:

By Rep. Grouby:

H. J. R. 345. COMMENDING MARIE WALKER FOR DISTINGUISHED STATE SERVICE.

WHEREAS, Marie Walker, a native of Barbour County and a former public school teacher, has served as Capitol Hostess, and recently as hostess for the Alabama State House, for a total of some 19 years; and

WHEREAS, Mrs. Walker has scheduled innumerable group tours through the years, and has guided countless thousands of visitors and tourists through our beautiful Capitol and imposing new State House; and

WHEREAS, a large majority of the tours conducted by Mrs. Walker have included groups of school children from throughout our state and these young students have returned home with considerable knowledge of their Capitol, imparted by a gracious hostess thoroughly versed in the historic building's factual and legendary lore; and

WHEREAS, as a result of her renowned "southern hospitality," Marie Walker's circle of friendship is nationwide in scope and, as she travels to other states, she frequently is greeted by those who remember their visit to Alabama made infinitely more pleasant and memorable because of courtesies extended by our own Capitol Hostess; and

WHEREAS, both gracious and imbued with patience, Mrs. Walker has indeed served with distinction as Capitol Hostess and she is to be most highly commended for her outstanding ability and her devoted service to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That in deep admiration and regard, we hereby express warmest praise of Mrs. Marie Walker, to whom we are sincerely grateful and to whom a copy of this resolution shall be presented, with copies also provided for her sons, Johnny M. and Robert K. Walker, for her sister, Lydia Kate Bernhard, and for her brother, Dudley Joseph Howell.

The resolution, H. J. R. 345, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 346. COMMENDING THE STANDING ROCK VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CHAMBERS COUNTY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried (With Notice and Proof):

S. 540. Relating to Tuscaloosa County and the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa; further amending Sections 2, 4, 8, 9 and 10 of Act No. 328, H. 854 Regular Session 1959 (Acts 1959, p. 907), as last amended, which provide for the composition of the

Board of Trustees and the conduct of its business, so as to provide further for the membership of such board and the manner of electing certain members of such board and the manner of conducting its business, and certain of the functions of the Secretary of the Board.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 540, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 540. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 41. To amend Section 34-27-35 of the Code of Alabama 1975, relating to the regulation of real estate companies, brokers, and salesmen, so as to provide further for annual license fees.

Also:

By Senator Aldridge:

S. 78. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Also:

By Senator Teague:

S. 238. Proposing an amendment to the Constitution of Alabama relating to the exemption of the Birmingham Stallions Football Team, Inc., of Jefferson County from all state, city and county taxes for a period of five years.

Also:

By Senator Cooley:

S. 431. To provide an appropriation of funds which are available to the Division of Employment Security of the Alabama Department of Industrial Relations out of funds credited to this State's account in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, for the purpose of providing funds for the administration of the

unemployment compensation and employment service programs as the director shall determine to be in the best interest of the State, and the total cost of which does not exceed the amount of this appropriation. Such funds are to be expended exclusively for the programs administered by the Division of Employment Security of the Department of Industrial Relations of the State of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 41. State Administration.

S. 78. Ways and Means.

SENATE MESSAGE

The Senate Bill, S. 238, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Ways and Means.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 431. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Bedford (With Notice and Proof):

S. 551. Relating to Franklin County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for a certain computerized branch office at Red Bay, Alabama; to provide certain duties for the division; to provide a procedure for handling cases involving invalid personal checks given for licenses and the voiding of such licenses; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 551, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bedford (With Notice and Proof):

S. 561. To amend the title and Section 1 of Act No. 82-317, H. 793 of the 1982 Regular Session (Acts 1982, p. 429) relating to allocation and distribution of certain oil and gas privilege tax revenues accruing to Fayette County or any municipality therein, so as to provide further for such allocation and distribution.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 561, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Langford (With Notice and Proof):

S. 575. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 15th Judicial Circuit of Alabama, and to provide that such judgments or orders shall have the same force and effect as minutes of the circuit court of said circuit prior to the passage and approval of this act and to provide for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 575, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 551. Local Legislation No. 1.

S. 561. Local Legislation No. 1.

S. 575. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Drinkard (With Notice and Proof):

S. 546. To amend Act No. 61, Acts of the Legislature, 1971, which created and established the Etowah County Solid Waste and Park and Recreation Authority.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 546. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Corbett:

S. 131. To amend Sections 16-36-2 and 13A-14-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee and to require open meetings.

Also:

By Senator Foshee:

S. 448. To propose an amendment to the Constitution of Alabama of 1901, as amended, relating to Covington County, so as to permit the county commission to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 131. State Administration.

SENATE MESSAGE

The Senate Bill, S. 448, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Ellis:

S. 69. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the said board and to require that each congressional district be represented; to provide for filling vacancies and residential requirements.

Also:

By Senator Barron:

S. 261. To amend Section 16-22-3, Code of Alabama, 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 69. Ways and Means.

S. 261. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 285. To authorize the incorporation of a public corporation to be known as the Alabama Civil Rights Institute to be located permanently in any Class 1 municipality, based on population according to the last federal decennial census designated by the legislature of Alabama and the classes of municipalities created thereby pursuant to Section 110 of the Constitution of Alabama, as amended, including the City of Birmingham, Alabama, provided such be a Class I municipality at the time of the adoption hereof; to define its purposes; to provide a Board of Trustees of said institute composed of some trustees who serve ex officio, and who may appoint alternates to serve in their stead as provided in the act, and trustees appointed by certain public officials and to define the terms of all such trustees; to provide for suits by and against the institute in the corporate name; to provide that neither the state, the counties thereof nor any municipality therein, shall be liable for the debts or actions of the institute and that trustees thereof shall not be personally liable for actions of the institute or their actions as trustees, save to the institute itself; to provide for incorporation procedures

and issuance of certificate of incorporation by the Secretary of State and the contents thereof; to provide for officers of the trustees, meetings thereof, and their compensation and reimbursement of expenses; to provide for the powers of the trustees including the power to acquire title to real and personal property or to lease the same, and to sell, lease or dispose of property surplus to its needs or to provide funds for carrying out its purposes; to provide to the institute such other powers as may be appropriate or necessary to carry out its purposes; to authorize the institute to solicit and accept donations of funds or property from private sources, to make such gifts and donations and all income and property of the institute tax exempt and deductible on state income tax returns, and to require trustees to comply with laws and regulations to make such deductible for federal income tax purposes; to authorize the state, its counties and municipalities therein to appropriate funds to the institute; to authorize the institute to contract and make cooperative agreements with federal, state and local governments and agencies thereof, and with private or public corporations, associations or individuals for any purpose of the institute; to authorize the institute to hire, or contract for, services of persons to perform certain tasks under such rules and regulations as the trustees may adopt; to require the institute to make annual reports to the Governor, the presiding officers of the legislature and other officials and persons; to make the provisions of the act severable; to repeal laws in conflict herewith; and to provide the effective date of the act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 285, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 285. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Holmes:

S. 2. To provide further for the number of students in each academic classroom in the public schools in Alabama.

Also:

By Senator Smith (J):

S. 151. To amend Section 36-30-2 of the Code of Alabama 1975, relating to compensation for death of peace officers, firemen and volunteer firemen, so as to provide further for compensation for certain disabled firemen and to provide for retroactive effect to November 1, 1983.

Also:

By Senator Bailey:

S. 251. To repeal §2-31-2, which exempts persons who buy grain for cash at the time of purchase; and persons licensed as public warehouses; to amend §2-31-4, which provides bonding requirements for grain dealers so as to remove the waiver of bond for those persons licensed under the United States Department of Agriculture Warehouse Act; and to waive bonding requirements for grain dealers who pay cash for grain at the time of purchase.

Also:

By Senator Covington:

S. 260. To further amend Section 1-3-8, Code of Alabama 1975, relating to state holidays, so as to alter certain observances.

Also:

By Senator Amari:

S. 338. To create a State Publications Depository Program for maximum availability and distribution of state publications to the public; to establish the Alabama Publications Clearinghouse, as a division of the Alabama Public Library Service, and to provide for its operations, duties and authority; to authorize the Alabama Public Library Service to make and implement reasonable rules and regulations; to establish the Advisory Council for the State Publications Depository Program and to provide for the membership, terms, duties, qualifications and powers; to define the duties and powers of the Alabama Department of Archives and History relative to the depository program for state publications and the distribution of microform products; to require each state agency to designate a publications officer from among its staff and to notify the said Clearinghouse of the designee, and to provide certain state publications and related information; to provide for the criteria and eligibility of depositories, including the United States government depository libraries; to provide that funding be from appropriations made to the use of the Alabama Public Library Service; to provide for the said service to make reimbursement of certain reasonable costs of producing microforms by the Department of Archives and History; to repeal section 41-6-12, Code of Alabama 1975, as amended, which requires the printing of 250 additional copies of state publications for use by the Department of Archives and History.

Also:

By Senators Bedsole, Horn, Aldridge, Langford, Bennett, Amari, Hilliard, Strong, Parsons, Corbett, Foshee and Barron:

S. 291. To amend Section 22-20-3 of the Code of Alabama 1975, so as to further provide that all susceptible infants be tested for sickle cell anemia, sickle cell trait or abnormal hemoglobin.

By Senators deGraffenried, Langford, Ellis, Foshee, Hilliard, Denton, Menton, Covington, Goodwin, Drinkard, Strong, Aldridge, Cooley, Bishop, Smith (J), Teague, Amari, Figures, Bennett, Hand, Horn, Sanders, Bedsole and Parsons:

S. 373. To authorize the Governor, the Director of Finance and the Chief Justice of the Supreme Court of the State of Alabama to become a

public corporation to be known as Alabama Judicial Building Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the Authority; to provide for meetings of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, installation and equipping of judicial facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed $40,000,000 for such purposes; to specify the application of the proceeds of the bonds of the Authority; to authorize the Authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the Authority; to provide for the lease of said judicial facilities to the Unified Judicial System for occupancy by its components including the Supreme Court, the Court of Civil Appeals, the Court of Criminal Appeals, the State Law Library and the Administrative Office of Courts; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to authorize the issuance by the Authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the Authority may be used as security for State deposits and investment of public funds and fiduciary funds; to provide that no earnings of the Authority shall inure to private entities; and to provide for dissolution of the Authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

Also:

By Senators Bennett, Amari, Aldridge, Strong, Bedford, and Horn:

S. 104. To amend Sections 16-36-7, 16-36-26 and 16-26-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 2. Ways and Means.

S. 151. Ways and Means.

S. 251. Agriculture and Forestry.

S. 260. Public Utilities and Transportation.

S. 338. Public Utilities and Transportation.

S. 291. Health.

S. 373. Ways and Means.

S. 104. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard:

S. 263. Authorizing the regulation by municipalities or other local governing authorities of private for-hire vehicles, however propelled, providing passenger transportation services and providing that municipalities or other local governing authorities and any officers or members of such shall not be subject to liability under the federal antitrust laws.

Also:

By Senator Menton:

S. 266. To amend further sections 40-23-4 and 40-23-62 of the Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include certain materials, supplies and equipment used in offshore federal waters; and to provide for an effective date.

Also:

By Senators Dixon, Foshee, Holmes, Drinkard, Bedsole, Covington, Cooley, Cabaniss, Ellis, Hand, and Bennett:

S. 409. To amend Section 31-5-3, Code of Alabama 1975, which provides for the state board of veterans' affairs, so as to include the American Ex-Prisoners of War, Incorporated, on such board.

Also:

By Senator Goodwin:

S. 460. Authorizing the appointment of peace officers by the ACJIC director and chairman of the ACJIC Commission to enforce laws pertaining to the operation and administration of the Alabama criminal justice information system.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 263. Local Government.

S. 266. Ways and Means.

S. 409. Military Affairs.

S. 460. Ways and Means.

RESOLUTIONS

The following resolution was introduced:

By Reps. Rogers and Boles:

H. J. R. 347. REGULATING GREYHOUND RACING IN THE CITY OF BIRMINGHAM; ESTABLISHING A COMMISSION THEREFOR; AND CALLING A REFERENDUM ON AMENDING THE CONSTITUTION.

WHEREAS, the City of Birmingham desires to regulate any dog racing for the welfare of its citizens; and

WHEREAS, a local regulatory body can most effectively control, regulate, license and supervise any city dog racing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following amendment of the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled.

PROPOSED AMENDMENT

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to regulate any dog or greyhound dog racing in the City of Birmingham, Jefferson County, and to provide for the welfare of its citizens:

1. The Birmingham Dog Racing Commission, hereinafter referred to as "the commission," is hereby created and established and shall be vested with the powers and duties specified in this proposed amendment and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this act. Said commission shall be composed of five commissioners who shall be bona fide residents and electors of Jefferson County, Alabama. Each commissioner shall have resided in the county for no less than three years prior to being appointed to the commission. The appointment procedure for such commissioners shall be as follows: the chief sponsor of the proposed amendment in the House of Representatives which became this act shall appoint one commissioner for a term of six years; the chief sponsor of the proposed amendment in the Senate which became this act shall appoint one commissioner for a term of six years; the cosponsor of said proposed amendment in the House of Representatives shall appoint one commissioner for a term of five years; and, the Jefferson County Senate delegation shall collectively appoint one commissioner for a term of three years. The Mayor of the City of Birmingham shall serve as an ex officio commissioner for the duration of his term in said office. After their initial terms, all commissioners other than the Mayor, shall qualify and run for successor terms of six years from numbered districts. The election for such commissioners shall be scheduled, whenever possible, in conjunction with the regular Birmingham (city) election. Provided, however, if such city election is not scheduled within 120 days after a vacancy occurs on the commission, then, a special election shall be called by the Mayor to fill such vacancy. The dog track owners shall share equally in all expenses of such special elections. The aforementioned numbered districts are hereby defined as follows: the district for which the chief sponsor of the bill in the House of Representatives which became this act shall appoint a commissioner shall be known as District No. 4 and shall consist of the following census tracks: 36, 38.01, 38.02, 38.03, 40, 42, 44, 45, 47.01, 47.02, 47.03, 51.02, 52, 57.01, 57.02, 105, 130.01, 130.02, 131 and 133;

the district for which the chief sponsor of the bill in the Senate which became this act shall appoint a commissioner shall be known as District No. 3 and shall consist of the following census tracks: 11, 12, 30.01, 30.02, 31, 32, 33, 34, 35, 37, 39, 41, 48, 49, 50, 51.01, 55, 58, 120.01, 120.02, 123.01, 124.01 and 124.02; the district for which the cosponsor of the bill in the House of Representatives which became this act shall appoint a commissioner shall be known as District No. 2 and shall consist of the following census tracks: 1, 3, 15, 16, 17, 18.01, 18.02, 19.02, 20, 21, 22, 23.03, 23.04, 23.05, 23.06, 24, 25, 26, 26.01, 26.02, 27, 28.01, 28.02, 29, 46, 56, and 108.03; the district for which the Jefferson County Senate delegation collectively shall appoint a commissioner shall be known as District No. 1 and shall consist of the following census tracks: 2, 4, 5, 6, 7, 8, 9, 10, 14, 19.01, 53.01, 53.02, 54, 59.03, 59.04, 59.05, 59.06, 111.04, 112.03, 112.04, 118.01, 119.01, 119.02, 119.03 and 126.01. The initial appointments of the commissioners shall be made within 15 days after referendum approval of this act pursuant to the provisions of Section 22 hereof. Initial powers of appointment, as herein provided, shall exist for so long as the persons in whom such powers are vested shall continue to serve in their current public offices. In the event of any commission vacancy not covered by this act, the Governor, with the concurrence of the Jefferson County House and Senate delegations, shall make an appointment to fill such vacancy.

2. The individuals composing the dog racing commission shall become a corporation and commence functioning as such on the first day of the first month next following the effective date of this act. To so incorporate, the dog racing commissioners shall present to the secretary of state an application signed by them which shall contain the following:

(a) A statement that the applicants propose to incorporate a commission pursuant to this act;

(b) The name and principal residence of each of the applicants;

(c) The date on which each applicant who is not an ex officio member was appointed as a member and the expiration date of the term for which he was appointed;

(d) The term of office for each applicant who is an ex officio member;

(e) The name of the proposed corporation, which shall be "The Birmingham Dog Racing Commission";

(f) The location of the principal office of the proposed corporation, which shall be in the sponsoring municipality; and

(g) Any other matter relating to such commission which the applicants may choose to insert and which is not inconsistent with this act or the laws of the state.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgements to deeds. The secretary of state shall examine the application, and if the secretary of state finds that it substantially complies with the requirements of this section, he shall receive, file and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated in the application, without the necessity of any further action under any

other laws of the state applicable to the creation of corporations, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of any commission.

All books, audits, reports, records, maps, documents and papers shall constitute public records, and be available for copying, examination and inspection during all normal business hours by any agency or official. No person shall be appointed to the dog racing commission who has been convicted of a felony.

3. Each commissioner shall take the same constitutional oath of office as any other city officer, and shall give bond payable to the City of Birmingham in the amount of twenty-five thousand dollars ($25,000.00) conditioned that such commissioner will faithfully and properly perform the duties of such office. The premium on such bond shall be paid by the commission. The commission may employ such assistants and employees as may be necessary who shall be paid out of the funds collected by the commission.

A member of the racing commission shall not be an officer, director or employee of any licensee or have any financial interest in any racetrack or racing event licensed by the racing commission and shall not own or race greyhound dogs in any racing event licensed by the racing commission.

4. The compensation of each member of the commission shall be one thousand five hundred dollars ($1,500.00) per month. One (1) member of said commission shall be required to be in attendance at each racing event, although up to three (3) commissioners may be present. Each commissioner who attends a racing event while engaged in the performance of his duties or in traveling outside the county on the business of the commission shall receive an additional fifty dollars ($50.00) per diem when traveling within the state of Alabama. When traveling outside the state of Alabama on official business, each member so traveling shall receive one hundred dollars ($100.00) per day plus transportation expenses. The above sums shall be paid out of funds collected by the Birmingham Dog Racing Commission in the same manner as the compensation of other county officers is paid.

5. The commission shall hold an organization meeting within five (5) days after this act becomes effective. At such meeting, the commission shall designate one (1) of its members to serve as its treasurer. Said treasurer shall preside over all meetings of the commission and provide for recording the minutes of such meetings. The duties of the treasurer shall be to collect all the license fees, taxes, and monies provided in this act, and shall supervise, check, and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. Said treasurer shall give bond in the same amount and with the same conditions as the bond required of commissioners. Said treasurer may also be required by the commission to post a fidelity bond in such amount as the commission may deem appropriate.

6. The commission shall have the authority to employ legal counsel of its selection to advise the commission and represent it in all proceedings. Compensation of such counsel shall be paid out of funds collected by the commission.

7. It shall be the duty of the commission to carry out the provisions of this act, and it shall have the following specific duties:

(a) To fix and set dates upon which racing events may be held or operated.

(b) To make an annual report to the city governing body of its operation, showing its own actions and rulings, and receipts derived under the provisions of this act, and such suggestions as it may deem proper for the more effective accomplishment of the purposes of this act.

(c) To withhold at the end of each quarter from net earnings during the previous quarter of the 4% wagering tax sufficient funds as are deemed necessary to operate the track during the upcoming quarter.

(d) To issue racing licenses and to require each applicant to:

(1) If an individual, group of individuals or partnership, each individual or partner shall be a resident of the state of Alabama for at least five (5) years immediately preceding the date of the license issued.

(2) If a corporation, each incorporator, stockholder, director, and officer shall be a resident of the state of Alabama for at least five (5) years immediately preceding the date of the license issued.

(3) Set forth on such application for a license the following information:

(i) The full name of each individual or partner, their business and home address, their present business, occupation, or profession, and each residence and business address and each business, occupation, and profession engaged in by such individuals for a period of fifteen (15) years prior to the date of such application.

(ii) The name and address of each of the incorporators, stockholders, directors, and officers of any corporation making such application and the present business, occupation, or profession of each of such incorporators, stockholders, directors, and officers and each residence and business address and each business, occupation, and profession engaged in by such incorporators, stockholders, directors, and officers for a period of fifteen (15) years prior to the date of such application.

(iii) The exact location within the inner City of Birmingham where it is desired to conduct or hold a racing event and a complete set of architectural renderings and detailed construction plans showing the site, topography, the type of construction, the track design, and the concession plans, together with sufficient proof of capitalization to construct and operate said facility. If such proof of capitalization contemplates that a loan or other indebtedness will be incurred by such applicant, then the name and address of each person, firm, or corporation making such loan or underwriting such indebtedness shall be given together with the written commitment of such person, firm, or corporation to make such loan or underwrite such indebtedness.

(iv) Whether such racing plant is to be owned by applicant or leased, and if leased, the owner thereof shall meet the same residence requirements as an applicant and the same information shall be furnished for such owner as is required to be furnished for an applicant.

(v) If the applicant is to enter into a management contract with any person or legal entity, if so, then such person or other legal entity shall furnish information as required in 7 (d) (3) (i) supra.

(vi) If the applicant is to enter into a contract for the operation of the food service, including restaurant, snacks, beverage, bar and concession stand sales, or any part thereof same shall also furnish information as required in 7 (d) (3) (i) supra.

(vii) The kind of racing to be conducted and the dates requested.

(viii) Such other information as the commission may require.

(4) Require an oath of every applicant or the president, executive officer, or managing officer or partner of each corporation or partnership stating that the information contained in the application is true.

(5) Promulgate uniform rules and regulations governing the holding, conducting, and operating of all racing events and races held in the county.

(6) Receive all applications for the initial license within thirty (30) days following the appointment of the commissioners and to grant, reject, or otherwise act upon all such applications within fifteen (15) days after the last date for receiving such applications.

8. The applicant granted a license to operate a racetrack in the city shall have the right, subject to the provisions of this act, to hold and conduct one (1) or more racing events at such track each year provided that no such license shall be granted to any applicant or to any track for a period longer than three hundred nine (309) racing days in any one (1) year. More than one (1) racing event per day is permitted.

There shall be only one (1) greyhound racing facility in Jefferson County, Alabama, and only one (1) license shall be issued to operate the facility.

9. No person under nineteen (19) years of age shall be employed in any manner about said racetrack except as exercise people, grooms and parking lot attendants; nor shall persons under nineteen (19) years of age be permitted to attend any race. The track licensee is encouraged to employ bona fide resident citizens of this state, preferrably Jefferson County residents, for at least seventy-five percent (75%) of its personnel needs.

10. The original license issued in accordance with the terms of this act shall be for a period to allow twenty-five (25) full calendar years of racing following the construction and equipping of the racing plant or facility or for the length of time required for the amortization of the capital investment, whichever is longer, and shall be granted so as to expire on the 31st day of December following such twenty-five (25) full calendar years of racing or the amortization of the capital investment. On or before the 1st day of December of the last year of the original license, the commission shall accept applications in the manner, form and requiring the requisite qualifications all as prescribed in this act for additional periods of not more than five (5) calendar years. On or before the 1st day of January thereafter, the commission shall convene to consider and act upon such applications. Subsequent applications shall be accepted and license issued in the same manner. If a licensee shall apply for a renewal license, the same shall not be denied except for good cause; provided, however, the commission may require that such licensee furnish the requisite information and meet the requisite qualifications required by this act.

The license granted under this act shall set forth in addition to any other information prescribed by the commission the name of the licensee, the location of the racetrack, duration of the racing event and the kind of

racing desired to be conducted and shall show the receipt by the commission of a license fee set by the commission, provided, however, that such license fee shall not exceed one thousand dollars ($1,000.00) annually. No such license shall be transferable, nor shall it apply to any other place, track, or enclosure except the one specified in the license.

11. The commission is empowered to compel the production of any and all books, memoranda, or documents showing the receipts and disbursements of any person, association or corporation licensed to conduct racing events under the provisions of this act. The commission may at any time require the removal of any employee or official employed by any licensee hereunder whenever such employee or official is guilty of any improper practice in connection with racing, has failed to comply with any condition of the license, or has violated any rule adopted by the commission. The commission shall have the power to require that the licensee maintain books and financial statements in a manner and form prescribed by the commission so as to assure the proper administration of the pari-mutuel pool and the payment of the tax hereinafter provided. The commission shall be authorized to visit, investigate, and place auditors and inspectors in the offices, tracks, or place of business of any person, association, or corporation licensed under this act. The commission shall have power to summon witnesses before its meetings, to administer oaths to such witnesses, and to require testimony on any issue before it. Any person failing to appear before said commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than five hundred dollars ($500.00), or by imprisonment not to exceed six (6) months, or by both fine and imprisonment in the discretion of the court.

12. After granting of a license to operate a greyhound racetrack, the commission shall have the power to grant, refuse, suspend, or withdraw annual licenses for all persons connected with the greyhound dog racetrack, including gatekeepers, announcers, ushers, starters, officials, drivers, dog owners, agents, trainers, grooms, stable foremen, exercise people, veterinarians, valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, pursuant to such rules and regulations as the commission may adopt and upon the payment of a license fee as shall be fixed and determined by the commission in accordance with the position and compensation of such person. Any such license may be revoked by the commission, for good cause, and any person whose license is revoked shall be ineligible to participate in such occupation connected with racing unless the license is returned by the commission with permission to operate thereunder. The commission may deny or revoke any such license to any person who has been refused or denied a license by any other state racing commission or racing authority. Any person aggrieved shall be entitled to a hearing before the commission.

13. (a) The commission shall make rules governing, permitting, and regulating the wagering on greyhound dog races under the form of mutuel wagering by patrons known as "Pari-Mutuel Wagering," which method shall be legal to the extent that and so long as the same is carried on and conducted strictly in conformity with this act, and not otherwise. Only the persons, associations or corporations receiving a license from the commission shall have the right or privilege to conduct this type of wagering and the licenses shall restrict and confine this form of wagering to a space within the racing events grounds. All other forms of wagering on the result of the dog races shall continue to be illegal, and any or all wagering outside of the

enclosure of such races, where such races shall have been licensed by the commission, shall be illegal.

(b) No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no person shall purchase any part of a pari-mutuel pool through another, wherein he gives or pays directly or indirectly to such other person anything of value. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment not to exceed six (6) months, or both fine and imprisonment, in the discretion of the court.

(c) In addition to the other rules and regulations that may be promulgated by the commission, the following shall be complied with by the licensee or operator of the race plant and employees thereof:

(i) A duly licensed veterinarian shall be on the grounds at weighing time and make examinations of the physical condition of each greyhound, and any dog not considered to be in good physical condition shall be reported to the presiding official.

(ii) An adequate security force shall be employed as prescribed by the commission. Members of the security force shall have the same powers as other law enforcement officers of the county while performing their duties on the premises of the racetrack.

(iii) Public liability insurance shall be carried by the licensee or operator in an amount and with a company approved by the commission.

(iv) All racing events shall be concluded by midnight.

(v) A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

14. Every licensee conducting a racing event under the provisions of the act shall pay to the treasurer of the commission on a quarterly basis, a tax equal to at least four percent (4%) of the total contributions to all pari-mutuel pools made at the track. The total takeout by a licensee on any pari-mutuel pool shall be at least eighteen percent (18%). After deducting at least four percent (4%) for the commission and at least fourteen percent (14%) for the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dogs. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove provided for by the number of bets placed on the winning dogs. Each redistribution shall be made in a sum equal to the lowest multiple of ten cents per dollar wagered. The licensee shall be permitted to provide separate pools for win, place, and show and also a daily double pool, a quiniela pool, a double quiniela pool, a perfecta or exacta pool, a trifecta pool and any other bets and pools as the commission may from time to time allow. The licensee is entitled to retain the odd cents of all redistributions to be known as the "breaks to a dime," and all monies represented by any unclaimed, uncashed, or abandoned pari-mutuel tickets known as "outs" money. Should there be no ticket bet on the winning dog, the entire pool will be divided among the holders of tickets of the dog running next in line until the pool has been redistributed to the contributors. The licensee shall be required to use a totalizator system to record the

wagering and to compute the odds. Rules and regulations governing the operation of each of the pools shall be established by the commission. The licensee shall collect from each person paying to attend a racing event under the provisions of this act an admission tax of 7%. Licensee shall make payment of such taxes to the treasurer of the commission once each quarter (three months), which payment shall be accompanied by a report on the attendance covered by such report and such other information as the commission may require.

15. All fees, commissions, taxes, and other monies, including fines and forfeitures, received under the provisions of this act shall be paid to the treasurer of the commission and transferred to the city treasurer and posted to the account of the Birmingham Dog Racing Commission. All such monies remaining after payment of expenses incurred in the administration of the act shall be transferred to the city treasurer, who shall be the ex officio co-treasurer of the commission, within ten (10) days following the quarterly receipt thereof. The city treasurer shall then distribute such net proceeds on a quarterly basis as follows:

20% to the City of Birmingham;

5% to the City of Birmingham employees' pension fund;

10% to the Jefferson County general fund;

10% to be divided on a population ratio basis among all incorporated municipalities in the county other than the City of Birmingham;

5% to Cooper Green Hospital;

5% to Children's Hospital in the University of Alabama Medical Center;

10% to the Jefferson County Board of Education;

10% to the Birmingham (City) Board of Education;

10% to the junior colleges and technical schools in the county on a share and share alike basis; and

15% to the University of Alabama in Birmingham.

17. Any corporation, association or person who directly or indirectly holds any greyhound dog race without having procured a license as prescribed in the act shall be guilty of a misdemeanor. Any person wagering upon the results of races, except in the pari-mutuel method of wagering conducted by licensee and upon the grounds or enclosure of said licensee, shall be guilty of a misdemeanor. Any corporation, organization, association, or person who violates any provision of this act, for which a penalty is not expressly provided, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than one hundred dollars ($100.00), not more than one thousand dollars ($1,000.00), or by imprisonment of not less than five (5) days nor more than six (6) months, or both, such fine and imprisonment, in the discretion of the court.

18. Any person who engages in the practice of professional gambling on greyhound dog races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practices, or has been convicted of any charge of gambling, any felony or any crime involving moral turpitude shall not be eligible as an applicant for any license

or permit to operate a racetrack or a racing event under the provisions of this act. Any association, partnership, or corporation or related association, partnership, or corporation thereof, which has or has had within ten (10) years such a person as an officer, executive, stockholder, or director or who does or has within the past ten (10) year period knowingly employed any person who engages in such practices shall likewise be ineligible as a licensee and the commission is hereby empowered to inquire into such matters in considering any applications and otherwise administering this act.

19. Any person who shall influence or have any understanding or connivance with any owner, groom, or other person associated with or interested in any kennel, greyhound, or race in which any greyhound participates, to prearrange or predetermine the results of any such race, or any person who shall stimulate or depress a greyhound for the purpose of affecting the results of a race, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the state prison for not less than one (1) year nor more than ten (10) years, or shall be fined not less than five hundred dollars ($500.00) nor more than ten thousand dollars ($10,000.00), or both such fine and imprisonment, in the discretion of the court.

20. It shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any greyhound race from any racetrack in this county, between the period of time beginning one (1) hour prior to the first race of the day and ending thirty (30) minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than fifteen (15) minutes after the official posting of such results. Provided, however, that the commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony, and upon conviction, shall be imprisoned in the state penitentiary for not less than one (1) year nor more than ten (10) years, or shall be fined not less than one thousand dollars ($1,000.00) nor more than five thousand dollars ($5,000.00), or both fine and imprisonment, in the discretion of the court.

21. Upon request of recognized charities, the commission may extend said limitations of time for greyhound racing not to exceed three (3) days at any one time beyond the period otherwise provided by law so that any such track shall conduct a charity day or days of racing for any one or more recognized charities in Alabama which has a tax exempt status as provided for under the Internal Revenue Code. The total of all profits derived from the operation of such racing on such charity days, including all monies which would otherwise be received by the commission as taxes for such day's operations, shall be and become a part of the charity trust fund for which such racing on such days is conducted. The charity trust fund shall be administered as directed by the commission.

In determining profits derived from such racing on such charity days, which profits shall include all taxes payable to the county or any agency thereof for such day's operations, said tracks shall only be entitled to deduct from the profits, accruing from all receipts on such charity days of racing, their actual operating costs, which costs shall be those expenses incurred by the racetrack solely by reasons of holding said charity days of racing and shall not be deemed to include such expenses constant from day to day and which would have been incurred had the race on that day not been held, including, but not limited to, such items as capital expenditures, interest on debts, real estate taxes and annual license fee, donations, bad debts, and such other items of daily or prorated expense as the commission may by rule prescribe.

22. The recipient of the license to operate said dog track, whether an individual, group of individuals, partnership, or corporation, shall declare quarterly dividends on the track's net earnings for each quarter, beginning with the end of the first six months of the operation of the track.

23. The provisions of the Alabama Ethics Act shall govern the conduct of the members of the Birmingham Dog Racing Commission in the performance of their duties, as set forth in this act.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Jefferson County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state. This proposed amendment shall become effective without further legislation and shall be self-executing.

The resolution, H. J. R. 347, was read a first time at length and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 348. COMMENDING THE MT. OLIVE VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CHAMBERS COUNTY.

Also:

By Rep. Laird:

H. R. 349. COMMENDING THE FREDONIA VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CHAMBERS COUNTY.

Also:

By Rep. Laird:

H. R. 350. COMMENDING THE FIVE POINTS VOLUNTEER FIRE DEPARTMENT FOR OUTSTANDING SERVICE TO CHAMBERS COUNTY.

Also:

By Reps. Coleman and Rains:

H. R. 351. CONGRATULATING MR. TILLMAN PEEVY DAVIS OF MARSHALL COUNTY, ALABAMA, ON THE OCCASION OF HIS 94TH BIRTHDAY.

Also:

By Rep. Rains:

H. R. 352. COMMENDING JOHN L. PUTMAN OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Rains:

H. R. 353. MOURNING THE DEATH OF SAMUEL LAWRENCE RAINEY OF ALBERTVILLE, ALABAMA.

RECESS AND ADJOURNMENT

On motion of Rep. Johnson (RW), the House stood in recess until 5:00 o'clock p.m., at which time the House recessed until 10:00 o'clock a.m., Thursday, March 27, 1986.

TWENTY-THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, March 27, 1986

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Charles Griffith, First Baptist Church of Citronelle, Citronelle, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter,

Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-second legislative day and finds the same to be correct.

JIMMY CLARK,
Chairman.

On motion of Rep. Clark (J), the reading at length of the Journal of the House for the twenty-second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-second legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 354. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That immediately upon adoption of this resolution, the following bills shall be made the special, paramount and continuing order of business for Thursday, March 27, 1986, taking precedence over the regular order of business and any unfinished business until such time as said bills are disposed of:

Bill No.	Page	Sponsor	Short Title
	LOCAL BILLS		
H. 166	109	Coburn	General Fund Appropriation Bill
H. 623	99	Onderdonk	Sulphur tax
H. 455	62	Coburn	Extends time on execution of contracts
H. 170	20	Pratt	Interstate Compact on Juveniles; additional remedies

On motion of Rep. Clark (J), the resolution, H. R. 354, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the Special Order Calendar.

And the bill:

H. 183. (With Amendment): Relating to Mobile County; to provide that certain funds in the county treasury shall be expended equally among the county commission districts, effective October 1, 1986, and thereafter.

Which was carried over on the nineteenth legislative day as a contested local bill, was taken up.

The question was then on the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 183, page 1, Section 1, line 20, after the word "treasury" by adding the following language:

and used for county purposes

AMENDMENT TABLED

On motion of Rep. Box, the amendment reported by the Standing Committee on Local Legislation No. 3, was tabled.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Brakefield, Brooks, Bryant, Buskey (JE), Carothers, Coburn, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Newman, Parker, Rice, Sasser, Seibels, Starkey, Tanner, Venable, White (G), White (L) and Zoghby.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Box offered the following amendment #1 to the bill, H. 183:

Amend H. B. 183, page 1, Section 1, lines 18 through 33 by deleting all of said section and inserting in lieu thereof the following:

Section 1. Effective October 1, 1986, and each fiscal year thereafter all Pay-As-You-Go Funds shall be expended equally among the county commission districts.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 38; Nays 0.

Yeas:

Reps. Adams, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clark (D), Clark (W), Coburn, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, Newman, Onderdonk, Parker, Penry, Spratt, Starkey, White (G), White (L) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Box offered the following amendment #2 to the bill, H. 183:

Amend H. B. 183, page, 1, immediately following line 33 by inserting a new Section 2 and renumber subsequent sections accordingly:

Section 2. The provisions of Section 1 of this act shall not apply to any expenditures which are approved in writing by all three county commissioners.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 40; Nays 0.

Yeas:

Reps. Adams, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D), Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hooper, Kennedy, Kvalheim, Marietta, Martin, Mathis, McKee, Newman, Penry, Rice, Seibels, Starkey, Starr, Tanner, Turner, Turnham, White (G), White (L) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 183, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D), Clark (W),

Coburn, Flowers, Fuller, Grayson, Hall, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Lauderdale, Martin, Mathis, McKee, Moore, Parker, Penry, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Tanner, Turnham, Venable, White (G), White (L) and Zoghby.

—46

Nays: Reps. Gaston, Kvalheim and Marietta. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 771. Relating to Conecuh County; providing for the election of the County Board of Education; providing for the division of Conecuh County into five single-member County School Board Districts; providing for the term of office; and repealing all conflicting laws and to specifically repeal Act 384 of the 1953 Regular Session and Act 84-641 of the 1984 Regular Session.

JIMMY CLARK,
Chairman.

And the bill, H. 771, as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 687. Relating to Chilton County; to create a license-issuing division within the tax collector's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail, such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes, the issuance of licenses by the tax collector's office; and to transfer certain duties now performed by the tax assessor and probate judge to said office.

JIMMY CLARK,
Chairman.

And the bill, H. 687, as engrossed, was sent to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Gaston, Budget Isolation Resolution relating to H. B. 296, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (JE), Carter, Clark (D), Clark (W), Coburn, Flowers, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, Moore, Nicholson, Onderdonk, Parker, Penry, Poole, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 296. Relating to Mobile County; providing for an annual appropriation commencing for the fiscal year beginning October 1, 1985, in addition to any and all other appropriations, to the Toy Bowl Association, from funds received by the county for the City of Mobile, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

Was taken up.

AMENDMENT OFFERED

Rep. Kvalheim offered the following amendment to the bill, H. 296:

Amend H. B. 296, page 1, Section 1, line 23 after the words "sum of" by striking the figure ~~$1,000~~ and inserting in lieu thereof the following: $5,000

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 35; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey (JE), Butler, Carter, Clark (W), Flowers, Ford, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Kennedy, Kvalheim, Laird, Lauderdale, Onderdonk, Parker, Richardson, Seibels, Tanner, Turnham, White (G) and Zoghby.

—35

Nay: Rep. Marietta. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 296 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Brooks, Bryant, Carter, Clark (W), Coburn, Ford, Gaston, Gray, Grayson, Grouby, Hall, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lindsey, McKee, Moore, Parker, Reed, Seibels, Starkey, Tanner, Turner, Turnham, Warren, White (G) and Zoghby.

—35

Nay: Rep. Marietta. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Kvalheim, Budget Isolation Resolution relating to H. B. 341, was adopted.

Yeas 38; Nays 0.

Yeas:

Reps. Adams, Bachus, Beasley, Box, Brooks, Bugg, Buskey (JE), Butler, Carter Clark (W), Crow, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Hettinger, Junkins, Kennedy, Kvalheim, Laird, Lindsey, Marietta, McKee, Moore, Newman, Parker, Pratt, Richardson, Seibels, Tanner, Turner, Venable, White (F), White (G) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 341. To amend the title and Section 2 of Act No. 85-694, H. 954, Regular Session of 1985, approved May 29, 1985, entitled, "An Act To amend Act No. 81-446, H. 679, 1981 Regular Session, entitled, 'An Act Relating to Mobile County; to provide further for the compensation of election employees and officers,' " so as to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (D), Clark (W), Coburn, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Junkins, Kennedy, Kvalheim, Laird, Lindsey, Marietta, McKee, Parker, Pratt, Rice, Richardson, Seibels, Tanner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Marietta, Budget Isolation Resolution relating to H. B. 374, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Crow, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Hettinger, Kennedy, Kvalheim, Laird, Lindsey, Marietta, McMillan, Newman, Parker, Penry, Rice, Richardson, Sasser, Smith, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 374. To provide a supplement to the salary of the district attorney in the Thirteenth Judicial Circuit; and further providing that this act shall have retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (JE), Carter, Clark (D), Clark (W), Crow, Flowers, Ford,

Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, McMillan, Newman, Parker, Rice, Richardson, Seibels, Smith, Starkey, Tanner, Trammell, Turner, Warren, White (G) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Box, Budget Isolation Resolution relating to H. B. 398, was adopted.

Yeas 38; Nays 0.

Yeas:

Reps. Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Carter, Crow, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Lindsey, Marietta, Mathis, McMillan, Newman, Parker, Rice, Smith, Tanner, Turner, Turnham, Venable, Warren and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 398. Relating to Mobile County; to exempt certain property owned by qualified parading Mardi Gras societies from all county, local and municipal ad valorem taxes; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Biddle, Blake, Box, Brakefield, Britnell, Brooks, Browder, Bugg, Buskey (JL), Carter, Clark (D), Coburn, Crow, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McMillan, Parker, Reed, Rice, Smith, Starkey, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 427, was adopted.

Yeas 41; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Britnell, Brooks, Browder, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Coleman, Crow, Flowers, Gaston, Goodwin, Grayson, Grouby, Harper, Kennedy, Kvalheim, Marietta, Mathis, Melton, Newman, Parker, Pratt, Reed, Rice, Richardson, Smith, Starkey, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 427. To require the Mobile Board of School Commissioners of Mobile County to make available on or before the first day of the school year the full appropriation for instructional supplies as set for in the Education Budget for the fiscal year of the year school begins and to require certain timelines to be followed in securing said instructional supplies for the classroom following orders submitted by the individual teacher.

Was taken up.

AMENDMENT OFFERED

Rep. Clark (W) offered the following amendment to the bill, H. 427:

Amend H. B. 427, Section 3, Line 14 by striking the number ~~"60"~~ and inserting in lieu thereof the number 90

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carter, Clark (D), Crow, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Harper, Harvey, Hettinger, Kennedy, Kvalheim, Marietta, Mathis, Melton, Onderdonk, Parker, Perdue, Reed, Rice,

Richardson, Seibels, Smith, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 427 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Box, Britnell, Brooks, Browder, Buskey (JE), Butler, Carter, Clark (D), Clark (W), Coburn, Crow, Flowers, Ford, Gaston, Goodwin, Hall, Harper, Harvey, Hettinger, Johnson (RG), Kennedy, Kvalheim, Marietta, Mathis, Moore, Onderdonk, Parker, Pratt, Rice, Seibels, Smith, Starkey, Tanner, Trammell, Turner, Venable, Warren, White (G) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 478, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Carter, Clark (W), Crow, Flowers, Gaston, Goodwin, Hall, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, Nicholson, Onderdonk, Parker, Poole, Pratt, Reed, Rice, Richardson, Seibels, Smith, Starkey, Tanner, Turner, Turnham, Venable, White (G) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 478. (With Amendment): To amend Sections 1, 2, 6, 8, 9, 10, 11, 13, 14, 16, 23, 24, 28 and 29 of Act No. 243, H. 278, of the First Special

Session of 1964 (Acts 1964, p. 326) as amended, which provides for the establishment and operation of pension and relief system for policemen and firemen of the City of Mobile, Alabama, so as to provide for: the qualifications for membership in such system; a financial consultant for such system; the composition, powers and duties of the board of directors of such system; a full-time secretary for such system; prohibiting the garnishment of pension funds; eligibility and participation; procedures for reimbursement from the city for certain pensions relating to work related disabilities; computing certain pensions; allowances to surviving spouses; the transition of duties and responsibilities between the City of Mobile and the Board; the procedure on appeal from a decision of the Board; certain options in electing benefits under such system; cost-of-living increases in pensions under such system and to specifically repeal Section 15 relating to certain retirement procedures, and 22 relating to the option of non-membership of said act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 478, page 8, line 1 after the word "final" by striking ~~averge~~ and inserting in lieu thereof the following: average

And the amendment was adopted.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Britnell, Brooks, Bryant, Butler, Carter, Clark (D), Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Marietta, Mathis, Parker, Pratt, Reed, Rice, Richardson, Seibels, Smith, Turnham, Venable, Warren, White (G) and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 478 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carter, Clark (D), Clark (W), Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey,

Marietta, Mathis, Melton, Parker, Poole, Pratt, Reed, Rice, Richardson, Seibels, Smith, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Moore, Budget Isolation Resolution relating to H. B. 368, was adopted.

Yeas 28; Nays 0.

Yeas:

Reps. Beasley, Biddle, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Burke, Buskey (JE), Carter, Gaston, Harper, Hettinger, Kennedy, Kvalheim, Mathis, Moore, Pratt, Reed, Rice, Richardson, Sasser, Starkey, Tanner, Turner, Venable and Zoghby.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 368 INDEFINITELY POSTPONED

On motion of Rep. Moore, the bill, H. 368, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution relating to H. B. 688, was adopted.

Yeas 41; Nays 0.

Yeas:

Reps. Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Coburn, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Harper, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lindsey, Marietta, Onderdonk, Poole, Pratt, Preuitt, Reed, Richardson, Starkey, Trammell, Turner, Venable, Warren, White (G) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 688. (With Amendment): Relating to Colbert County; providing for the county governing body to reimburse the office of probate judge for any monetary loss resulting from the performance of official duties for erros of mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 688 as follows:

In the Title, page 1, line 9, after the word "for" by striking ~~erros~~ and inserting in lieu thereof errors.

In Section 1, page 1, line 20, after the word "its" by striking ~~equivlaent~~ and inserting in lieu thereof equivalent

In Section 2, page 1, line 23, after the word "the" by striking ~~erros~~ and inserting in lieu thereof errors

In Section 4, page 1, line 31, after the word "declared" by striking ~~invlaid~~ and inserting in lieu thereof invalid

And the amendment was adopted.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (JE), Carter, Clark (D), Clark (W), Coburn, Flowers, Ford, Gaston, Goodwin, Grouby, Harper, Hettinger, Johnson (RG), Kennedy, Kvalheim, Mathis, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Starkey, Turner, Venable, White (G) and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 688. Relating to Colbert County; providing for the county governing body to reimburse the office of probate judge for any monetary loss resulting from the performance of official duties for errors of mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Coburn, Flowers, Gaston, Goodwin, Harper, Harvey, Hettinger, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, Onderdonk, Parker, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Campbell, Budget Isolation Resolution relating to H. B. 689, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coleman, Faulk, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Lauderdale, Marietta, Mathis, McKee, Onderdonk, Parker, Poole, Reed, Rice, Richardson, Seibels, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (G) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 689. Relating to Calhoun County, amending Act No. 84-403, H. 819, 1984 Regular Session, which levies an additional sales tax in the county, so as to provide further for the distribution of the proceeds of said tax and providing for a retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter,

Clark (D), Clark (W), Faulk, Goodwin, Grouby, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Laird, Lauderdale, Mathis, McKee, Penry, Poole, Richardson, Seibels, Starkey, Thomas, Turner, Turnham, Venable, Warren and White (G).

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Warren, Budget Isolation Resolution relating to H. B. 691, was adopted.

Yeas 48; Nays 0.

Yeas:

Reps. Adams, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Coburn, Faulk, Flowers, Gaston, Goodwin, Grouby, Harper, Harvey, Hettinger, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Sasser, Seibels, Smith, Thomas, Turner, Turnham, Warren, White (G), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 691. Relating to Conecuh County; to provide for a special recording fee on documents filed in the office of the judge of probate; and to prescribe the use thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 1.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carter, Clark (D), Clark (W), Coburn, Goodwin, Grouby, Harvey, Hooper, Johnson (RG), Kennedy, Laird, Lauderdale, Lindsey, Mathis, McKee, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—48

Nay: Rep Box. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Box inadvertently voted "Nay" on the bill, H. 691, and would like to be recorded as voting "Yea".

BUDGET ISOLATION RESOLUTION

On motion of Rep. Fuller, Budget Isolation Resolution relating to H. B. 692, was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carter, Clark (D), Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Thomas, Turner, Venable, White (G) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 692. Relating to Chambers County; to authorize Chambers County to grant county ad valorem taxes exemptions, including real estate, equipment and supplies for up to five years to any manufacturing firm or facility; to provide that the tax exemption herein shall not affect taxes other than county ad valorem taxes; to provide for the county tax assessor to develop the necessary criteria to issue said exemptions subject to the approval of the Chambers County Industrial Board; and to provide for the procedures to be followed in the granting of such exemptions.

Was taken up.

AMENDMENT OFFERED

Rep. Fuller offered the following amendment to the bill, H. 692:

Amend H. B. 692, Page 1, in the Title, beginning on Line 20, after the word "County" by striking ~~Industrial~~ and continue on line 21 by striking ~~Board~~ and inserting in lieu thereof the following: Commission

Further amend H. B. 692, Page 2, Section 3. Line 6, after the word "County" by striking ~~Industrial Board~~ and inserting in lieu thereof the following: Commission

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carter, Clark (D), Ford, Gaston, Goodwin, Grouby, Harper, Harvey, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, Parker, Rice, Richardson, Thomas and Venable.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 692. Relating to Chambers County; to authorize Chambers County to grant county ad valorem taxes exemptions, including real estate, equipment and supplies for up to five years to any manufacturing firm or facility; to provide that the tax exemption herein shall not affect taxes other than county ad valorem taxes; to provide for the county tax assessor to develop the necessary criteria to issue said exemptions subject to the approval of the Chambers County Commission; and to provide for the procedures to be followed in the granting of such exemptions.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (JE), Carter, Clark (D), Clark (W), Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, McKee, Nicholson, Onderdonk, Parker, Penry, Poole, Rice, Richardson, Sasser, Seibels, Venable, White (G) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution relating to H. B. 698, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (J), Clark (W), Faulk, Flowers, Goodwin, Grouby, Hall, Harper, Hettinger, Holmes, Johnson (RG), Kennedy, Lauderdale, Lindsey, Mathis, McMillan, Nicholson, Onderdonk, Parker, Penry, Poole, Pratt, Preuitt, Rice, Sasser, Seibels, Starkey, Thomas, Turner, Venable, White (G), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 698. Relating to Washington County; providing a certain increase in compensation for the supernumerary tax collector in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carter, Clark (D), Clark (W), Coburn, Flowers, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Kennedy, Laird, Lauderdale, Lindsey, Marietta, Mathis, McMillan, Mitchell, Nicholson, Onderdonk, Parker, Penry, Poole, Rice, Spratt, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECESS LOST

The motion offered by Rep. Buskey (JE) that the House stand in temporary recess was lost.

Yeas 28; Nays 52.

Yeas:

Mr. Speaker, Biddle, Black, Boles, Britnell, Bryant, Buskey (JE), Campbell, Crow, Davis, Escott, Grayson, Hettinger, Martin, McDowell, McMillan, Melton,

Newton, Parker, Penry, Perdue, Reed, Rogers, Spratt, Trammell, Turner, White (G) and Zoghby.

—28

Nays:

Reps. Adams, Albright, Bachus, Beasley, Blake, Blakeney, Brakefield, Brooks, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Cosby, Faulk, Flowers, Ford, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Mathis, Mikell, Moore, Newman, Nicholson, Payne, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starr, Tanner, Turnham, Venable, Warren, White (F) and White (L).

—52

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter, the rules were suspended in order to take up out of order the bill, H. 703.

Yeas 43; Nays 9.

Yeas:

Reps. Adams, Beasley, Blake, Blakeney, Brakefield, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Fuller, Goodwin, Grouby, Hammett, Harper, Hooper, Johnson (RG), Junkins, Laird, Mathis, McKee, McMillan, Mikell, Moore, Nicholson, Payne, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Starkey, Starr, Tanner, Venable, Warren and White (L).

—43

Nays:

Mr. Speaker, Escott, Hettinger, Martin, Melton, Newton, Parker, Perdue and Spratt.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution relating to H. B. 703, was adopted.

Yeas 44; Nays 5.

Yeas:

Reps. Adams, Beasley, Blake, Blakeney, Bowling, Brakefield, Brooks, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Faulk, Goodwin, Grouby, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Junkins, Laird, Mathis, McKee, McMillan, Mikell, Moore, Nicholson, Poole,

Preuitt, Rains, Rice, Richardson, Sasser, Starkey, Starr, Tanner, Venable, Warren and White (L).

—44

Nays: Mr. Speaker, Escott, Martin, Parker and Perdue. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RECESS

On motion of Rep. Johnson (RW), the House recessed to the call of the Chair for the purpose of a Joint Session.

JOINT SESSION

The Senate and the House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing an address by Dr. Albert B. Sabin, developer of the oral polio vaccine.

The joint session was called to order by Honorable William Baxley, Lieutenant Governor and presiding officer of the Senate.

Thereupon, Dr. Sabin delivered his address to the members of the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The House reconvened. The Speaker called the House to order.

H. 703 RESUMED

And the bill:

H. 703. Relating to Limestone County; to provide that any municipality whose corporate limits or boundaries include lands lying outside of Limestone County, must, in addition to all other requirements of law, obtain the consent of the Limestone County Commission before annexation of lands lying in Limestone County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 7.

Yeas:

Reps. Adams, Beasley, Blake, Brakefield, Brooks, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Dutton, Faulk, Flowers, Goodwin, Grouby, Hammett, Harper, Hooper, Johnson (RG), Laird, Mathis, McKee, McMillan, Mikell, Mitchell, Onderdonk, Preuitt, Rains, Rice, Richardson, Sasser, Starkey, Starr, Tanner, Turnham, Venable, Warren, White (F), and White (L).

—42

Nays:

Mr. Speaker, Hettinger, Martin, Newton, Parker, Perdue and Spratt.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 692. Relating to Chambers County; to authorize Chambers County to grant county ad valorem taxes exemptions, including real estate, equipment and supplies for up to five years to any manufacturing firm or facility; to provide that the tax exemption herein shall not affect taxes other than county ad valorem taxes; to provide for the county tax assessor to develop the necessary criteria to issue said exemptions subject to the approval of the Chambers County Commission; and to provide for the procedures to be followed in the granting of such exemptions.

JIMMY CLARK,
Chairman.

And the bill, H. 692, as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 688. Relating to Colbert County; providing for the county governing body to reimburse the office of probate judge for any monetary loss resulting from the performance of official duties for errors of mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

JIMMY CLARK,
Chairman.

And the bill, H. 688, as engrossed, was sent to the Senate.

SPECIAL ORDER RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Rep. Britnell, Budget Isolation Resolution relating to H. B. 705, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Carter, Clark (D), Clark (W), Coleman, Davis, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, McMillan, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Venable, White (L) and Zoghby.

—59

And the bill:

H. 705. (With Amendment): Relating to Franklin County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for a certain computerized branch office at Red Bay, Alabama; to provide certain duties for the division; to provide a procedure for handling cases involving invalid personal checks given for licenses and the voiding of such licenses; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses by the tax assessor's office and to transfer crtain duties now performed by the probate judge and tax collector to said tax assessor.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 705, page 1, line 27 after the word "transfer" by striking ~~crtain~~ and inserting in lieu thereof the following: certain

Further amend on page 2, Section 2, line 7 after the words "collector of" by striking ~~Lawrence~~ and inserting in lieu thereof the following: Franklin

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Clark (D), Clark (W), Coleman, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Martin, Mathis, McDowell, McKee, McMillan, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey,

Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (L) and Zoghby.

—68

And the bill:

H. 705. Relating to Franklin County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for a certain computerized branch office at Red Bay, Alabama; to provide certain duties for the division; to provide a procedure for handling cases involving invalid personal checks given for licenses and the voiding of such licenses; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Biddle, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Clark (D), Clark (W), Coleman, Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—68

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution relating to H. B. 709, was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Clark (D), Clark (W), Davis, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Newton, Nicholson, Parker, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser,

Seibels, Smith, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (G) and White (L).

—62

And the bill:

H. 709. To provide an additional county salary supplement for the circuit judges of the thirty-seventh judicial circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Butler, Clark (D), Clark (W), Davis, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Martin, McKee, Mikell, Mitchell, Newman, Newton, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, Warren, White (F), White (G) White (L) and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harper, Budget Isolation Resolution relating to H. B. 635, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (JE), Clark (D), Clark (W), Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Martin, Mathis, McKee, Mitchell, Newman, Newton, Nicholson, Parker, Poole, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 635. Relating to Mobile County; to provide further that the Mobile County Commission pay the cost of advertising local bills within thirty days from receipt of the invoice.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 631, was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Box, Brakefield, Britnell, Brooks, Burke, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—54

And the bill:

H. 631. Relating to Mobile County; providing that the county commission shall call for a public hearing to be held a certain time prior to approving any landfill project in said county and empowering the county commissioner representing the commission district in which such proposed landfill is to be located with veto power over any commission decision approving such landfill project if such public hearing is not called as provided for in this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Davis, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt,

Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—59

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 629, was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Cosby, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Newton, Nicholson, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, White (G), White (L) and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 629. (With Substitute): To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts, 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama, 1976, page 939), and as further amended by Act No. 84-623 of the Regular Session of 1984 (Acts of Alabama, 1984, page 1271), so as to clarify and designate the members of the Supervisory Committee of the Mobile County Personnel Board, to provide that the Presiding Judge of the Circuit Court shall serve as Chairman of the Supervisory Committee and to provide that he shall be entitled to vote only in case of a tie; to provide for an expense allowance and compensation for the members of the Personnel Board; to provide for employment of handicapped persons in the Civil Service System in Mobile County, providing preference for such persons with Civil Service Employment, and to repeal Act No. 84-623 of the Regular Session of 1984, Acts of Alabama, 1984, page 1271.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts, 1939, page 298), which creates

and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama, 1976, page 939), and as further amended by Act No. 84-623 of the Regular Session of 1984 (Acts of Alabama, 1984, page 1271), so as to clarify and designate the members of the Supervisory Committee of the Mobile County Personnel Board, to provide that the Presiding Judge of the Circuit Court shall serve as Chairman of the Supervisory Committee and to provide that he shall be entitled to vote only in case of a tie; to provide for an expense allowance and compensation for the members of the Personnel Board; to provide for employment of handicapped persons in the Civil Service System in Mobile County, providing preference for such persons with Civil Service Employment, and to repeal Act No. 84-623 of the Regular Session of 1984, Acts of Alabama, 1984, page 1271.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section V(b) of Act No. 470, H. 952 of the Regular Session of 1939, (Local Acts, 1939, page 298) which creates and establishes the County-wide Civil Service System in Mobile County, Alabama, is hereby further amended to read as follows:

"Section V(b) The Supervisory Committee of the Mobile County Personnel Board shall be composed of the following:

"1. The persons holding each of the following elective offices in Mobile County, Alabama, namely, the Presiding Judge of the Circuit Court, the Judge of Probate, the Presiding Judge of the District Court of Mobile County, the Tax Assessor, the Tax Collector, the County License Commissioner, the Chairman of the Mobile County Commission, the Sheriff of Mobile County, and the Mayor of each of the incorporated towns and cities in Mobile County.

"2. The following non-elected officials shall also be members of the Supervisory Committee: The President or other chief executive officer of the Mobile County Municipal Association; a representative elected by all of the professional law enforcement officers of Mobile County, (including all members of MCLEA); a representative elected by all the professional fire fighters of Mobile County; and a representative elected by the employees under the Mobile County Merit System; each of whom shall be a bona fide resident and qualified elector of Mobile County. The representatives of the professional law enforcement officers of Mobile County, (including all members of MCLEA), the professional fire fighters of Mobile County, and the employees employed under the Mobile County Merit System, shall be elected at meetings called for that purpose by the Chairman of the Supervisory Committee, notice of which shall be given to the members of their representative class by publication once each day for three (3) consecutive days preceding such meetings in a newspaper of general circulation, published in Mobile County. The notice of publication shall be signed by the Chairman of the Supervisory Committee, and shall state briefly the purpose of the meeting together with the date, time and place of holding such meeting. All such meetings shall be held at the Mobile County Courthouse, or some other public meeting place designated by the Chairman of the Supervisory Committee. The Chairman of the Supervisory Committee or such other person as may be designated by him, shall preside at such meetings and Roberts' Rules of Order shall be followed in the conduct of such meetings. The members of the Supervisory Committee so elected shall serve for four (4) year terms or until their successors are elected and qualified. In the event of a vacancy, such vacancy shall be filled in the same manner as the initial members are elected, to complete the unexpired term. Only full-time permanent employees in each representative

class shall be eligible to vote at any such election. The Personnel Department shall certify to the Chairman of the Supervisory Committee the names of all law enforcement officers, fire fighters, and other employees eligible to vote at any such election at least two days prior to the meeting or meetings called for that purpose.

"(c) Except as otherwise provided herein, each member of the Supervisory Committee shall be entitled to cast one vote on any matters considered at any regular or special meeting of the Supervisory Committee. In addition thereto, each jurisdiction in Mobile County under the control of the Mobile County Civil Service System, shall be entitled to cast one additional vote for each 400, or a major fraction thereof, Civil Service employees occupying permanent positions as of December 31st of the year preceding any such meeting of the Supervisory Committee, such additional votes to be cast by the elected official designated in (b) 1 above having appointing authority over such employees in such jurisdiction. All voting of the Supervisory Committee shall be by roll call vote. Voting by proxy shall not be allowed.

"(d) The Presiding Judge of the Circuit Court of Mobile County shall be Chairman of the Committee and shall be entitled to vote only in case of a tie. The Chairman shall pass upon the credentials and right of each person to sit thereon. He shall be the sole judge of the number of votes a member of the Committee shall have as provided for in Subsection (c) above. The Chairman shall call the first organizational meeting of the Supervisory Committee hereby created as soon as practicable after this Act becomes effective. In his call, he shall specify the date and hour of the meeting and designate the place thereof, and shall mail a copy thereof to each member of the Committee. At its first meeting, the Committee shall adopt such rules, regulations and modes of procedure as it deems expedient to enable it to dispatch its business in an orderly manner, and, thereafter, from time to time, the Committee may amend or rescind such rules, regulations and modes of procedure or adopt additional ones. In addition to the organizational meeting hereby prescribed, the Committee shall meet on the 1st Tuesday in March of each year, unless such day is a legal holiday, in which event the annual meeting of the Committee shall be held on the day following the legal holiday. In addition to these meetings, the Committee may hold special meetings on the call of the Chairman or any seven members thereof. All meetings of the Committee shall be held at the County Courthouse or some other public place designated by the Chairman. Notice shall be given of all meetings and shall be signed by the person or persons calling such meeting and shall state briefly the purposes of the meeting; shall be mailed to each person registered as a member of the Committee or known to be such, and shall also be published once each day for three consecutive days immediately preceding such meeting in some daily newspaper published in Mobile County. Notice of the annual meeting shall be given in like manner, but failure of any member to receive notice by mail of any such meeting, either annual or special, shall not invalidate it. Provided that at any regular or special meeting of the Committee a day may be set for the next meeting of said Committee and in this event no further notice of such meeting shall be required. A majority of the persons then serving as members of the Committee shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time to compel the attendance of absent members in such manner and under such penalties as may be prescribed by rules and regulations of the Committee. The Supervisory Committee shall serve without compensation."

Section 2. Section VII(a) of Act No. 470, H. 952 of the Regular Session of 1939, (Local Acts, 1939, page 298), which creates and establishes county-wide Civil Service System in Mobile County, Alabama, is hereby further amended to read as follows:

"Section VII (a) PERSONNEL BOARD: The Personnel Board shall consist of five members designated respectively as Member Number 1, Member Number 2, Member Number 3, Member Number 4, and Member Number 5, each of whom shall be over 19 years of age, of recognized good character and ability, a qualified elector of Mobile County, and shall not, when appointed, nor for three years then next preceding the date of his appointment have held elective public office, nor have been a candidate for such. If any person actively solicits a position on such Board, the committee shall, for this reason, refuse to consider his appointment. After the effective date of the 1976 Amendment hereto, each member must be a resident of his respective district, as hereinafter provided, at the time of his appointment and for the duration of his term; provided however, that those members in office on the effective date of said Amendment may serve out the remainder of their then unexpired terms without regard to their respective districts of residence. Members shall be appointed from the following districts:

"1. Member Number 1 shall be appointed from Personnel Board District 1, which shall include the part of Mobile County that is included in House Districts 95 and 96 and all of House District 97;

"2. Member Number 2 shall be appointed from Personnel Board District 2, which shall include all of House Districts 100 and 101;

"3. Member Number 3 shall be appointed from Personnel Board District 3, which shall include all of House Districts 102 and 103;

"4. Member Number 4 shall be appointed from Personnel Board District 4, which shall include all of House Districts 104 and 105;

"5. Member Number 5 shall be appointed from Personnel Board District 5, which shall include all of House Districts 98 and 99;

"The initial term of Member Number 4 shall be for a term of two years beginning September 15th, 1976 and until his successor is appointed and qualified. The initial term of Member Number 5 shall be for a term of four years beginning on September 15, 1976 and until his successor is appointed and qualified. Thereafter, all members shall be appointed for five year terms. In the event of a vacancy on the Board occasioned by death, resignation, impeachment or other cause, such vacancy shall be filled by the appointment of a qualified successor by the Supervisory Committee for the then unexpired term. Each member of the Board shall receive an expense allowance of $500.00 per month and shall receive $50.00 per meeting attended, and $50.00 per day for attendance upon all trials and hearings by the Board. Such expense allowance and compensation shall be paid from the same funds as other expenses of the Department are paid.

"The Board shall meet once a month on dates to be fixed by its rules and regulations and as much oftener as shall be necessary for the orderly dispatch of its business.

Section 3. Handicapped persons. The Director of the Mobile County Personnel Board shall, upon request of an Appointing Authority, add to any certification of three applicants eligible for employment, the name of any handicapped person on the eligible list who is certified by the Director of

the Division of Rehabilitation of Crippled Children, State Department of Education, as being eligible for rehabilitation services; but, said Personnel Director shall not give preference in certification for employment to any handicapped person if he finds such person is physically or otherwise unfit to perform effectively the duties of the position in which he seeks employment.

The decision of the said Personnel Director shall be final.

Section 4. Act No. 84-623 of the Regular Session of 1984, Acts of Alabama, 1984, page 1271, is hereby expressly repealed.

Section 5. Provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby expressly repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

And the substitute was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Blake, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Clark (D), Clark (W), Coleman, Cosby, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, Newman, Newton, Nicholson, Onderdonk, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—55

And the bill, H. 629 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment:

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Clark (W), Cosby, Flowers, Gaston, Goodwin, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Newton, Nicholson, Onderdonk, Poole, Preuitt, Reed, Rice, Seibels, Spratt, Starkey, Starr, Tanner, Turner, White (F), White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 575, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Cosby, Escott, Faulk, Flowers, Gaston, Goodwin, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, Mikell, Moore, Newton, Nicholson, Onderdonk, Poole, Reed, Rice, Seibels, Spratt, Starkey, Tanner, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 575. Relating to Mobile County; establishing a branch of the license commissioner's office in the City of Citronelle.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Burke, Buskey (JE), Clark (D), Clark (W), Cosby, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, Newman, Newton, Nicholson, Onderdonk, Poole, Preuitt, Reed, Rice, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Turner, Venable, White (G), White (L) and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Kvalheim, Budget Isolation Resolution relating to H. B. 548, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Box, Brakefield, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Clark (D), Clark (W), Cosby, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McMillan, Nicholson,

Poole, Preuitt, Reed, Rice, Sasser, Seibels, Starkey, Starr, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 548. Pertaining to Mobile County; to exempt from all county, local, and municipal ad valorem taxes, certain property owned by The Federated Garden Clubs of Mobile County, Inc., a nonprofit corporation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Clark (D), Clark (J), Clark (W), Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Johnson (RG), Junkins, Kennedy, Kvalheim, Martin, Mathis, McKee, McMillan, Mikell, Nicholson, Poole, Preuitt, Reed, Rice, Sasser, Seibels, Starkey, Starr, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Hooper, Budget Isolation Resolution relating to H. B. 638, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Beasley, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (JL), Clark (D), Coleman, Gaston, Goodwin, Grouby, Hall, Hammett, Harvey, Hooper, Johnson (RG), Junkins, Kvalheim, Lauderdale, Martin, McKee, McMillan, Mikell, Nicholson, Poole, Preuitt, Reed, Rice, Sasser, Seibels, Starkey, Starr, Venable, White (G), White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 638. To amend Section 15 of Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), previously amended by Act No. 587, H. 1383, the Regular Session of the Alabama Legislature 1975, which act, as amended, creates in the City of Montgomery in connection with the regular organized and paid Fire Department of the City of Montgomery the Montgomery Fire Fighters Pension Fund, so as to authorize the trustees of the Montgomery Fire Fighters Pension Fund through a majority of the Board of Trustees the power to repeal, alter, amend, delete, or otherwise in their discretion change the benefits available pursuant to the Montgomery Fire Fighters Pension Fund but not authorizing said trustees to stop or in any way take away or alter benefits presently being received by any member of the fund, presently receiving benefits therefrom, and expressly repealing Sections 16, 17, 18, 19, and 24.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Clark (W), Coleman, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, McKee, McMillan, Mikell, Newman, Nicholson, Poole, Reed, Rice, Sasser, Seibels, Starr, Turner, White (G), White (L) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Holmes, Budget Isolation Resolution relating to H. B. 649, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Clark (D), Clark (J), Clark (W), Coleman, Cosby, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Martin, Mathis, McKee, McMillan, Mikell, Nicholson, Poole, Reed, Rice, Seibels, Starkey, Starr, Turner, Venable, White (G), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 649. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to grant city ad valorem tax exemptions for up to fifteen (15) years to owner-developers who build new commercial or industrial facilities within the downtown business district as defined by the governing body of said city providing that such owner-developers receiving such exemptions shall, however, continue to pay city ad valorem property taxes on such property as was paid in the year preceding the improvement caused by the construction or development of the new commercial or industrial facility; to provide that the tax exemption herein shall not affect any taxes other than city ad valorem taxes; and to provide for the procedures to be followed in the granting of such exemptions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Harper, Harvey, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McKee, McMillan, Mikell, Newman, Nicholson, Perdue, Poole, Rice, Sasser, Seibels, Starkey, Starr, Turner, Venable, White (G), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution relating to S. B. 518, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blake, Box, Brakefield, Britnell, Bugg, Buskey (JE), Carter, Clark (D), Clark (J), Coleman, Dutton, Faulk, Flowers, Goodwin, Hall, Harper, Johnson (RG), Junkins, Kennedy, Lauderdale, Martin, Mathis, Moore, Nicholson, Perdue, Poole, Reed, Rice, Starkey, Starr, Tanner, Turner, Venable, White (F) and White (L).

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 518. Relating to Talladega County; providing further for banking business within said county; authorizing any bank which moves its principal offices from the county, into another county, to continue operations in Talladega County as a branch so as to not cause a hardship to its customers.

Was read a third time at length and passed.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Box, Brakefield, Bugg, Burke, Carter, Clark (D), Clark (W), Davis, Gaston, Goodwin, Grouby, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, Melton, Mikell, Nicholson, Perdue, Poole, Preuitt, Reed, Seibels, Starkey, Starr and Turner.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turnham, Budget Isolation Resolution relating to H. B. 696, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carter, Clark (D), Clark (W), Coleman, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Newman, Nicholson, Poole, Reed, Rice, Seibels, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G) and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 696. (With Amendment): To further amend section 17-4-156, Code of Alabama 1975, as amended, relating to the meeting days, so as to authorize certain county boards of registrars to meet additional days if, in the discretion of the chairman of the county commission, it is warranted; to provide for retroactive effect commencing October 1, 1985.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

To amend House Bill 696 in Section 1, page 2, on line 10 by inserting after the word "thereafter" the following:

", and that pay for such registrars shall not include the state compensation rate for such additional days but shall include local salary supplements only"

And the amendment was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Bachus, Beasley, Box, Brakefield, Britnell, Brooks, Burke, Butler, Carter, Clark (D), Coleman, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Johnson (RG), Junkins, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, Mikell, Mitchell, Newman, Nicholson, Poole, Seibels, Starkey, Starr, Tanner, Turner, Turnham, Venable, White (G) and White (L).

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 696 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Biddle, Blake, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carter, Clark (D), Clark (W), Coleman, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Harvey, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Poole, Rice, Seibels, Starkey, Starr, Tanner, Turner, Turnham, White (G) and White (L).

—55

BUDGET ISOLATION RESOLUTION

On motion of Rep. Coburn, Budget Isolation Resolution relating to S. B. 515, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Butler, Carter, Clark (D), Coleman, Dutton, Faulk, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hooper,

Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Nicholson, Poole, Reed, Rice, Richardson, Seibels, Starkey, Starr, Tanner, Turner, Venable, White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 515. Relating to Colbert County and its municipalities for the purpose of said county and municipalities joining with Lauderdale County and its municipalities, for the purpose of forming a Shoals Industrial Development Authority for promoting industry and trade and the development of said counties and cities; to provide for the organization, powers, functions, duties and personnel of such authority, and for the payment of expenses of the authority and for the compensation of its employees.

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Box, Britnell, Brooks, Bugg, Burke, Buskey (JE), Carter, Clark (D), Clark (W), Coburn, Coleman, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Harvey, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Poole, Preuitt, Reed, Rice, Richardson, Seibels, Starkey, Starr, Tanner, Turner, Venable, White (G) and White (L).

—54

BUDGET ISOLATION RESOLUTION

On motion of Rep. Goodwin, Budget Isolation Resolution relating to S. B. 532, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blakeney, Box, Britnell, Brooks, Bryant, Buskey (JE), Carter, Clark (D), Clark (W), Coleman, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, Newman, Nicholson, Poole, Rice, Richardson, Starkey, Starr, Tanner, Turner, Venable, Warren, White (G) and White (L).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 532. To authorize the governing body of any Class 7 municipality operating under a commission form of government and organized pursuant to Sections 11-44-1 through 11-44-57 inclusive, Code of Alabama 1975, as amended, to adopt an ordinance to designate the places and responsibilities of the commissioners of such municipality; to require candidates desiring to run for a place on the commission to qualify for election to the designated place in which they desire to serve; and to prohibit further changes by ordinance once the designations have been made but, on the contrary, to require such additional changes to be authorized by legislative act.

Was read a third time at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (D), Coleman, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, Mikell, Newman, Nicholson, Parker, Poole, Rice, Richardson, Seibels, Starkey, Tanner, Turner, Venable, White (G) and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution relating to H. B. 725, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carter, Clark (D), Coleman, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McKee, Melton, Mikell, Nicholson, Onderdonk, Parker, Poole, Reed, Rice, Seibels, Starkey, Tanner, Turner, Venable, White (G) and White (L).

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 725. Relating to Lawrence County; providing for equalization of the salaries of certain clerks employed in the offices of certain elected county officials and prescribing guidelines for future salary increases for such clerks.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Burke, Buskey (JE), Buskey (JL), Carter, Coleman, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Harper, Harvey, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Marietta, Mathis, McKee, Melton, Newman, Nicholson, Onderdonk, Poole, Reed, Rice, Richardson, Seibels, Tanner, Turner, Venable, White (G) and White (L).

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Burke, Budget Isolation Resolution relating to H. B. 749, was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Bugg, Buskey (JL), Butler, Carter, Coleman, Davis, Dutton, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Nicholson, Onderdonk, Poole, Rice, Seibels, Tanner, Trammell, Turner, Venable, White (G) and White (L).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 749. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Valley Head, in DeKalb County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carter, Clark (D), Coleman, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Newman, Nicholson, Onderdonk, Parker, Poole, Rains, Reed, Rice, Seibels, Starkey, Tanner, Turner, Venable, White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carter, Budget Isolation Resolution relating to H. B. 750, was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Butler, Carter, Clark (D), Coleman, Faulk, Flowers, Gaston, Grouby, Hall, Harper, Harvey, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Mathis, McKee, McMillan, Newman, Nicholson, Parker, Poole, Preuitt, Reed, Rice, Sasser, Seibels, Starkey, Tanner, Turner, Venable, White (G) and White (L).

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 750. Relating to Limestone County; to authorize the county commission to provide for hospital and medical insurance of retired county employees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carter, Clark (D), Coleman, Dutton, Faulk, Gaston, Grouby, Hall, Harper, Holmes,

Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Nicholson, Parker, Poole, Preuitt, Reed, Rice, Sasser, Seibels, Starkey, Tanner, Turner, Venable, White (G) and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Harvey, Budget Isolation Resolution relating to H. B. 757, was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Buskey (JL), Butler, Carter, Clark (D), Dutton, Faulk, Grouby, Hall, Harvey, Holmes, Hooper, Johnson (RG), Kennedy, Lauderdale, Lindsey, Mathis, McKee, McMillan, Moore, Nicholson, Onderdonk, Parker, Poole, Preuitt, Rice, Sasser, Seibels, Starkey, Tanner, Turner, Venable, White (G) and White (L).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 757. Relating to Blount County; To provide for a special recording fee of $2.00, in addition to all existing recording fees and charges, for each such document hereinafter filed for record in Blount County; and to provide for the expenditure of the funds in the office of the judge of probate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (JL), Butler, Carter, Clark (D), Dutton, Goodwin, Grouby, Hall, Harvey, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Melton, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Preuitt, Reed, Rice, Sasser, Seibels, Starkey, Tanner, Turner, Venable, White (G) and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Johnson (RG), Budget Isolation Resolution relating to H. B. 765, was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Buskey (JE), Butler, Carter, Clark (D), Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Reed, Rice, Sasser, Seibels, Starkey, Tanner, Turner, Venable, White (G) and White (L).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 765. Relating to the City of Sylacauga in Talladega County; authorizing branch banking.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Box, Brakefield, Britnell, Brooks, Bugg, Carter, Clark (D), Faulk, Gaston, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Kennedy, Lindsey, Mathis, McKee, McMillan, Nicholson, Onderdonk, Parker, Poole, Reed, Rice, Sasser, Seibels, Starkey, Turner, Venable, Warren, White (G) and White (L).

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Flowers, Budget Isolation Resolution relating to H. B. 767, was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter,

Clark (D), Davis, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, Mitchell, Moore, Newman, Onderdonk, Parker, Preuitt, Reed, Rice, Sasser, Seibels, Starkey, Turner, Venable, White (G) and White (L).

—53

And the bill:

H. 767. To authorize the governing body of Pike County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, upon approval of the electors of the county in an advisory referendum; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes by the Troy-Pike County Lake Authority for the Walnut Creek Lake Project if levied by the said governing body; to provide for the enforcement of this act by the State Department of Revenue; and to provide for an advisory referendum election to determine if a majority of the electors voting at said election favor authorizing the governing body to levy such taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Clark (D), Coleman, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, Newman, Parker, Reed, Rice, Starkey, Turner, Venable and White (L).

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Newman, Budget Isolation Resolution relating to H. B. 768, was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carothers, Clark (D), Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey,

Marietta, Mathis, McKee, McMillan, Moore, Newman, Nicholson, Onderdonk, Parker, Poole, Reed, Rice, Starkey, Tanner, Turner, Venable, Warren, White (F) and White (L).

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 768. To amend the title and Section 1 of Act No. 82-317, H. 793 of the 1982 Regular Session (Acts 1982, p. 429) relating to allocation and distribution of certain oil and gas privilege tax revenues accruing to Fayette County or any municipality therein, so as to provide further for such allocation and distribution.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Butler, Carothers, Clark (D), Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hammett, Harper, Harvey, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Marietta, Mathis, McKee, McMillan, Newman, Nicholson, Onderdonk, Poole, Preuitt, Reed, Sasser, Starkey, Tanner, Turner, Warren, White (F) and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starkey, Budget Isolation Resolution relating to H. B. 772, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Box, Brakefield, Britnell, Brooks, Bugg, Carter, Clark (D), Clark (W), Coburn, Faulk, Gaston, Goodwin, Hall, Harper, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McKee, McMillan, Newman, Nicholson, Onderdonk, Parker, Poole, Reed, Rice, Sasser, Starkey, Tanner, Turner, Venable and White (L).

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 772. Relating to Lauderdale County; levying a lodging tax, providing for the collection and distribution of said tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Carter, Clark (D), Clark (W), Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Sasser, Starkey, Tanner, Turner and White (L).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 774, was adopted.

Yeas 50; Nays 0.

Yeas:

Reps. Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Butler, Carter, Clark (D), Clark (W), Davis, Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hooper, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, McKee, McMillan, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Sasser, Seibels, Starkey, Starr, Tanner, Turner, Venable, White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 774. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Elmore County, would authorize the legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Elmore County as public corporations to provide local public

services, including the fighting and prevention of fires and the operation of emergency medical services, including rescue and ambulance services, to provide for the fixing, levy and collection by such districts of rates, fees and charges for such services, penalties for nonpayment and liens upon the property within such districts; and to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carter, Clark (D), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Newman, Nicholson, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Tanner, Trammell, Turner, Turnham, Venable, White (F), White (G) and White (L).

—72

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 776, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Britnell, Brooks, Browder, Bryant, Bugg, Clark (D), Coleman, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, Mikell, Nicholson, Parker, Poole, Reed, Rice, Sasser, Starkey, Tanner, Turner, Turnham, Venable, White (F) and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 776. (With Amendment): Relating to Coosa County; providing for the districts and election of the members of the county board of education.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 776, on page 1, Section 2, line 31 after the word "to" by striking the following:

~~Clay County line;~~

and by striking line 32 in its entirety and inserting in lieu thereof the following:

its intersection with West boundary of Section 11, Township 24, Range 20; thence north along West boundary of Section 11, and 2, of Township 24 Range 20 to Clay County line; thence East to point of beginning.

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Britnell, Bugg, Clark (D), Cosby, Davis, Dutton, Faulk, Gaston, Goodwin, Hall, Harper, Johnson (RG), Kvalheim, Laird, Lauderdale, Lindsey, Marietta, McDowell, McKee, McMillan, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Sasser, Starkey, Starr, Tanner, Venable, White (F) and White (L).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 776 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Clark (D), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McKee, McMillan, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Sasser, Smith, Starkey, Starr, Tanner, Venable, White (F), White (L) and Zoghby.

—53

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 777, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Clark (D), Crow, Davis, Dutton, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Johnson (RG), Kvalheim, Laird, Lauderdale, Lindsey,

Marietta, Mathis, McDowell, McKee, McMillan, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Sasser, Seibels, Smith, Starkey, Starr, Tanner, Venable, White (F) and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 777. To repeal Act No. 316, H. 294, approved September 16, 1975, Regular Session 1975 (Acts 1975, p. 851), entitled, "An Act Relating to Coosa County; to provide an expense allowance for the sheriff and to give the provisions of this Act retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Clark (D), Crow, Davis, Dutton, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Johnson (RG), Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Nicholson, Penry, Poole, Preuitt, Rice, Sasser, Smith, Starkey, Starr, Tanner, Venable, White (F), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 778, was adopted.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Carter, Clark (D), Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Johnson (RG), Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McMillan, Melton, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rice, Sasser, Smith, Starkey, Starr, Tanner, Venable, White (F), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 778. To repeal Act No. 696, H. 1389, approved October 2, 1975, Regular Session 1975 (Acts 1975, p. 1451), entitled, "An Act Relating to Coosa County; providing annual monthly expense allowances for the tax assessor, tax collector and circuit clerk of said county and giving this act retroactive effect."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (JE), Clark (D), Coleman, Davis, Faulk, Gaston, Goodwin, Harper, Johnson (RG), Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Nicholson, Parker, Penry, Poole, Preuitt, Reed, Rice, Sasser, Smith, Starkey, Starr, Tanner, Venable, White (F) and White (L).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Venable, Budget Isolation Resolution relating to H. B. 779, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carter, Clark (D), Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Johnson (RG), Kvalheim, Lauderdale, Lindsey, Marietta, Mathis, McDowell, McKee, McMillan, Mikell, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Sasser, Smith, Starkey, Venable and White (L).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 779. To repeal Act No. 352, H. 929, approved September 16, 1975, Regular Session 1975 (Acts 1975, p. 891), entitled, "An Act Relating to

Coosa County; providing additional expense allowance for the members of the county commission, making the provisions of this act retroactive."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Carter, Crow, Davis, Faulk, Gaston, Grouby, Hammett, Harper, Hooper, Johnson (RG), Laird, Lauderdale, Marietta, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Onderdonk, Parker, Penry, Preuitt, Reed, Rice, Sasser, Seibels, Venable, White (F), White (G) and White (L).

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Lindsey, Budget Isolation Resolution relating to H. B. 787, was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (JE), Carter, Clark (D), Crow, Davis, Dutton, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Johnson (RG), Kvalheim, Laird, Lauderdale, Marietta, Mathis, McKee, McMillan, Melton, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Sasser, Seibels, Starkey, Venable, White (F), White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 787. Relating to Cherokee County; to amend Act No. 80-353, H. 981, 1980 Regular Session, which provides compensation for the members of the county commission, so as to provide further for travel allowances for said members and to provide for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE), Clark (W), Crow, Faulk, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Johnson (RG), Kvalheim, Laird, Lauderdale, Marietta, Mathis, McKee, McMillan, Melton, Mikell, Newman, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Sasser, Seibels, Starr, Venable, White (F), White (G) and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Kennedy, Budget Isolation Resolution relating to H. B. 753, was adopted.

Yeas 42; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Britnell, Brooks, Browder, Bugg, Buskey (JE), Carter, Clark (D), Clark (W), Coleman, Crow, Davis, Faulk, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Johnson (RG), Kennedy, Laird, Lauderdale, Mathis, McKee, McMillan, Melton, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Reed, Starkey, Starr, White (F) and White (L).

—42

Nays: Reps. Box, Gaston, Harper, Kvalheim and Marietta. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 753. Relating to Mobile County, directing the Mobile County Board of School Commissioners to designate Martin Luther King's birthday as a legal holiday for school system purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 5.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Crow, Davis,

Dutton, Goodwin, Grayson, Grouby, Hall, Holmes, Johnson (RG), Kennedy, Lauderdale, McMillan, Melton, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Reed, Seibels, Starkey, Venable, White (F), White (G) and White (L).

—40

Nays: Reps. Box, Gaston, Harper, Kvalheim and Marietta. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 784, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Browder, Bryant, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Harper, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Marietta, Mathis, McKee, McMillan, Melton, Mikell, Parker, Penry, Poole, Sasser, Starkey and White (L).

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 784. (With Amendment): Relating to Mobile County, authorizing that the medical examiner may provide cornea tissue transplants.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 784, page 1, Section 1 (a), line 24 after the word "law;" by adding the following language: and

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Crow, Davis, Dutton, Faulk, Goodwin, Grayson, Grouby, Hall, Hammett,

Harper, Holmes, Johnson (RG), Kennedy, Kvalheim, Lindsey, Mathis, McKee, McMillan, Melton, Nicholson, Parker, Penry, Poole, Sasser, Starkey, Starr, Turner White (F) and White (L).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 784 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Coburn, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Moore, Nicholson, Onderdonk, Parker, Penry, Poole, Sasser, Starkey, Starr, Turner, Venable, White (F) and White (L).

—56

BUDGET ISOLATION RESOLUTION

On motion of Rep. Dutton, Budget Isolation Resolution relating to H. B. 780, was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (JL), Carter, Clark (D), Davis, Dutton, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Holmes, Johnson (RG), Kvalheim, Laird, Lauderdale, Lindsey, McKee, Moore, Nicholson, Poole, Pratt, Reed, Starkey, Starr, Tanner, Thomas, White (F) and White (L).

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 780. Relating to Lawrence County; prescribing certain guidelines to be used in determining the salary and expense allowances of the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (D), Clark (W), Davis, Dutton, Faulk, Gaston, Goodwin, Grayson, Hall, Holmes, Kennedy, Kvalheim, Lauderdale, Lindsey, Marietta, McKee, McMillan, Moore, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Sasser, Seibels, Starkey, Starr, Tanner, Thomas, Venable, White (G) and White (L).

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Turner, Budget Isolation Resolution relating to H. B. 783, was adopted.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Beasley, Box, Britnell, Brooks, Buskey (JE), Carter, Clark (D), Clark (W), Gaston, Goodwin, Grayson, Hall, Harper, Kennedy, Kvalheim, Laird, Lindsey, Marietta, McKee, McMillan, Melton, Moore, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Sasser, Seibels, Starkey, Tanner, Turner, White (G) and White (L).

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 783. (With Amendments): Relating to Mobile County; establishing a race track regulating authority for motor cross racing or stock car racing in Mobile County.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 783, page 1, Section 2, line 26 after the words "from the county" by striking ~~or~~ and inserting in lieu thereof at

Further amend on page 2, Section 7, line 13 after the word "part" by adding the following language:

of this act

And the amendment was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (JE), Carter, Clark (D), Clark (W), Davis, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, McKee, Mikell, Nicholson, Onderdonk, Parker, Poole, Preuitt, Reed, Sasser, Starkey, Starr, Thomas, Venable, White (L) and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 783, page 1, in the synopsis, line 10 by adding after the words "car racing" the following language:

or horse racing

Further amend on page 1, line 17 after the words "car racing" by adding the following language: or horse racing

Further amend on page 1, Section 1, line 22 after the words "car racing" by adding the following language:

and horse racing

Further amend on page 1, Section 3, line 33 after the words "race track" by adding the following language:

or horse race track

Further amend on page 1, Section 4, line 35 after the words "racing track" by adding the following language:

or horse racing track

Further amend on page 2, Section 5, line 4 after the words "car race track" by adding the following language:

or a horse race track

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Gaston, Goodwin, Hall, Harper, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McKee, McMillan, Mikell, Moore, Nicholson,

Onderdonk, Parker, Penry, Poole, Rice, Sasser, Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, White (G) and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 783, page 1, Section 1, line 21 after the word "Commission" by adding the following: , the composition of which will reflect the racial makeup of the county,

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Brakefield, Britnell, Bryant, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Cosby, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Reed, Rice, Sasser, Seibels, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren White (G) and White (L).

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 783, page 1, Section 3, line 30 after the word "regulations" by striking the following: ~~on themselves~~

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Coburn, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McKee, McMillan, Melton, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Reed, Rice, Sasser,

Starkey, Starr, Tanner, Thomas, Turner, Turnham, Venable, Warren and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 783. Relating to Mobile County; establishing a race track regulating authority for motor cross racing or stock car racing or horse racing in Mobile County.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blakeney, Box, Brakefield, Britnell, Brooks, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holmes, Johnson (RG), Kvalheim, Laird, Lauderdale, McKee, McMillan, Melton, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Rice, Sasser, Starkey, Starr, Thomas, Turnham, Venable, Warren and White (L).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Starr, Budget Isolation Resolution relating to H. B. 746, was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Brakefield, Britnell, Brooks, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Coleman, Davis, Faulk, Gaston, Grouby, Hammett, Harper, Holmes, Johnson (RG), Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Mikell, Onderdonk, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Starr, Turnham, Venable, Warren, White (F) and White (L).

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 746. Relating to the 15th Judicial Circuit of Alabama; providing for and establishing investigators for the district attorney's office; providing for the hiring, salaries, expenses, authority and duties of such investigators and to specifically repeal Act No. 456, S. 394, of the 1973 Regular Session (Acts 1973, p. 645).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Brakefield, Britnell, Buskey (JE), Buskey (JL), Clark (D), Clark (W), Coburn, Coleman, Faulk, Gaston, Grouby, Hammett, Holmes, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, McKee, McMillan, Mikell, Nicholson, Onderdonk, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Starr, Turner, Turnham, Venable, Warren and White (L).

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Martin, Budget Isolation Resolution relating to H. B. 694, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Box, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coburn, Coleman, Faulk, Goodwin, Grouby, Hall, Hammett, Hettinger, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, McKee, McMillan, Nicholson, Onderdonk, Parker, Poole, Pratt, Reed, Rice, Richardson, Sasser, Starkey, Starr, Tanner, Turner, Turnham and White (L).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 694. Relating to Morgan County; providing for the reidentification of each qualified elector in the county.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Box, Brakefield, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coburn, Coleman, Davis, Faulk, Goodwin, Hall, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McKee, Mikell, Mitchell, Nicholson, Onderdonk, Parker, Perdue, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Starkey, Starr, Tanner, Thomas, Turnham, Venable, White (F) and White (L).

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Laird, Budget Isolation Resolution relating to S. B. 267, was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Box, Britnell, Brooks, Bugg, Buskey (JL), Clark (D), Coburn, Coleman, Davis, Faulk, Gaston, Goodwin, Grouby, Hall, Hettinger, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McMillan, Mitchell, Nicholson, Onderdonk, Parker, Poole, Rice, Richardson, Sasser, Starkey, Tanner, Thomas, Turnham, Venable, Warren, White (F) and White (L).

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 267. Relating to Clay County; providing further for the expense allowance and salary for the county coroner.

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Clark (D), Coburn, Coleman, Davis, Faulk,

Gaston, Goodwin, Hall, Hammett, Hettinger, Johnson (RG), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Mitchell, Moore, Nicholson, Parker, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—54

PERMISSION GRANTED

Permission was granted for the Journal to show that Reps. McMillan and Penry inadvertently voted "Yea" on the bill, H. 753, and intended to abstain.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, H. 537.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Carothers, Budget Isolation Resolution relating to H. B. 537, was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Carothers, Carter, Clark (D), Coleman, Crow, Faulk, Gaston, Goodwin, Hall, Hettinger, Hooper, Johnson (RG), Junkins, Kvalheim, Lauderdale, Mathis, McKee, McMillan, Parker, Poole, Pratt, Preuitt, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Turnham, Warren, White (F), White (G) and White (L).

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 537. (With Amendment): To authorize the city council of any Class 5 municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and to authorize the city councils to provide by ordinance for the appointment of such commission.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend House Bill 537 as follows:

In the Synopsis, page 1, line 9, after the word "municipality" by inserting <u>with a city manager, mayor commission form of government</u>

In the Title, page 1, line 20, after the word "municipality" by inserting with a city manager, mayor commission form of government

In Section 2, page 1, line 30, after the word "municipality" by inserting with a city manager, mayor commission form of government

In Section 3, page 3, line 22, after the word "municipality" by inserting with a city manager, mayor commission form of government

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Carothers, Carter, Clark (D), Coleman, Crow, Faulk, Goodwin, Grouby, Hall, Hettinger, Johnson (RG), Kennedy, Lauderdale, Mathis, McMillan, Mitchell, Moore, Nicholson, Onderdonk, Poole, Pratt, Rice, Rogers, Sasser, Seibels, Starkey, Tanner, Turner, Turnham, Warren, White (F), White (G) and White (L).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 537. To authorize the city council of any Class 5 municipality with a city manager, mayor commission form of government to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and to authorize the city councils to provide by ordinance for the appointment of such commission.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Coleman, Faulk, Gaston, Goodwin, Hall, Hettinger, Johnson (RG), Junkins, Kvalheim, Lauderdale, Martin, Mathis, McMillan, Mikell, Mitchell, Moore, Nicholson, Parker, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Tanner, Turnham, White (F), White (G) and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Black, the rules were suspended in order to take up out of order the bill, H. 754.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Black, Budget Isolation Resolution relating to H. B. 754, was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Box, Brakefield, Britnell, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coleman, Davis, Gaston, Grayson, Grouby, Hall, Hammett, Holmes, Johnson (RG), Kennedy, Kvalheim, Lauderdale, McDowell, McMillan, Mikell, Newton, Parker, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Thomas, Turnham, White (G), White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 754. To amend Section 33-17-8 of the Code of Alabama 1975, relating to the powers granted to the Tombigbee Valley Development Authority, so as to expand and clarify the powers of said authority with respect to the acquisition, leasing and conveyance of property.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (D), Clark (W), Coleman, Cosby, Davis, Faulk, Flowers, Gaston, Goodwin, Grayson, Hall, Hettinger, Holmes, Johnson (RG), Kennedy, Kvalheim, Lauderdale, Mathis, McDowell, McMillan, Melton, Mikell, Newton, Parker, Perdue, Poole, Preuitt, Rice, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, White (G) and White (L).

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gray to suspend the rules in order to take up out of order the bill, H. 500, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 600. Relating to Chambers County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official and permanent records in Chambers County.

Also:

H. 617. Relating to Lowndes County; providing for a chief clerk and clerk for the probate judge; and prescribing the duties and setting the salaries for such clerks; providing for the hiring of a part-time clerk; repealing Act No. 119, H. 115, of the 1978 Special Session (Acts 1978, p. 1835), Act No. 316. H. 719, of the 1939 Regular Session (Acts 1939, p. 205) and Act No. 40, H. 215 of the 1951 Regular Session (Acts 1951, p. 248).

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 705. Relating to Franklin County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for a certain computerized branch office at Red Bay, Alabama; to provide certain duties for the division; to provide a procedure for handling cases involving invalid personal checks given for licenses and the voiding of such licenses; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

JIMMY CLARK,
Chairman.

And the bill, H. 705, as engrossed, was sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 247. Relating to Morgan County; providing further for the expense allowances of the chairman and the members of the county commission; and repealing conflicting laws.

Also:

H. 315. Relating to Clay County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 166. (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1987.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the bill, H. 166, and to the amendments reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1987.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1: The monies in Section 2 are appropriated from the named funds for the 1986-87 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1987, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total		
	General Fund	Trust Fund	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			4,498,830
The appropriation to the Examiners of Public Accounts shall include a transfer to the State Personnel Department of $13,019.			
SOURCE OF FUNDS:			
(1) State General Fund	3,968,789		
(2) Federal Funds		530,041	
Total Department of Examiners of Public Accounts	3,968,789	530,041	4,498,830
2. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Support Program			171,900
SOURCE OF FUNDS:			
(1) State General Fund	171,900		

Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.			
Total Legislative Council	171,900		171,900
3. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Support Program (to include program review and evaluation)			915,390
SOURCE OF FUNDS:			
(1) State General Fund	907,890		
(2) Transfer from Legislative Reference Service		7,500	
Total Legislative Fiscal Office	907,890	7,500	915,390
4. LEGISLATIVE REFERENCE SERVICE:			
(a) Legislative Operations and Support Program			1,009,500
The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of $485.			
SOURCE OF FUNDS:			
(1) State General Fund	1,009,500		
Total Legislative Reference Service	1,009,500		1,009,500
5. LEGISLATURE:			
(a) Legislative Operations and Support Program			1,361,259
Of the above appropriation at least $50,000 shall be allocated for Ways and Means Committee, House Rules Committee and Speaker of the House Office.			
The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975, as amended.			
SOURCE OF FUNDS:			
(1) State General Fund	1,261,259		
(2) State General Fund -			
For expenses as provided for in Section 29-1-10, Code of Alabama, 1975 pertaining to its organization session	100,000		
Total Legislature	1,361,259		1,361,259
6. LEGISLATURES, NATIONAL CONFERENCE OF STATE:			
(a) Legislative Operations and Support Program			64,401

SOURCE OF FUNDS:		
(1) State General Fund	64,401	
Total National Conference of State Legislatures	64,401	64,401
B. JUDICIAL:		
1. COURT OF CIVIL APPEALS:		
(a) Court Operations Program		988,661
SOURCE OF FUNDS:		
(1) State General Fund	947,551	
(2) State General Fund-1985 Judicial Compensation Report	41,110	
Total Court of Civil Appeals	988,661	988,661
2. COURT OF CRIMINAL APPEALS:		
(a) Court Operations Program		1,479,491
SOURCE OF FUNDS:		
(1) State General Fund	1,386,469	
(2) State General Fund-1985 Judicial Compensation Report	93,022	
Total Court of Criminal Appeals	1,479,491	1,479,491
3. JUDICIAL INQUIRY COMMISSION:		
(a) Administrative Services Program		85,473
The appropriation to the Judicial Inquiry Commission shall include a transfer to the State Personnel Department of $40.		
SOURCE OF FUNDS:		
(1) State General Fund	85,473	
Total Judicial Inquiry Commission	85,473	85,473
4. JUDICIAL RETIREMENT FUND:		
(a) Retirement Systems Program		1,386,000
SOURCE OF FUNDS:		
(1) State General Fund	1,386,000	
Total Judicial Retirement Fund	1,386,000	1,386,000
5. SUPREME COURT:		
(a) Court Operations Program		3,752,057
SOURCE OF FUNDS:		
(1) State General Fund	3,563,105	

(2) State General Fund-1985 Judicial Compensation Report	166,952		
(3) Federal, Local and Miscellaneous Funds		22,000	
Total Supreme Court	3,730,057	22,000	3,752,057
6. UNIFIED JUDICIAL SYSTEM:			
(Administrative Office of Courts)			
(a) Court Operations Program			52,185,978
(b) Administrative Services Program			3,201,673
(c) Consultant and Planning Program			191,000
(d) DUI Program			95,500
SOURCE OF FUNDS:			
(1) State General Fund	53,301,473		
(2) State General Fund-1985 Judicial Compensation Report	1,214,860		
(3) State General Fund-Act 85-654-Court Reporters Raise	551,823		
(4) Clerks' and Registers' Supernumerary Fund		605,995	
Total Unified Judicial System	55,068,156	605,995	55,674,151
C. EXECUTIVE:			
1. ACADEMY OF HONOR, ALABAMA:			
(a) Historical Resources Management Program			812
SOURCE OF FUNDS:			
(1) State General Fund	812		
As provided in Section 41-11-6, Code of Alabama 1975			
Total Alabama Academy of Honor	812		812
2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:			
(a) Professional and Occupational Licensing and Regulation Program			295,000
The appropriation to the Alabama State Board of Public Accountancy shall include a transfer to the State Personnel Department of $162.			
SOURCE OF FUNDS:			
(1) Alabama State Board of Public Accountancy Fund		295,000	
As provided in Section 34-1-22, Code of Alabama 1975. In addition to the			

amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.			
Total Alabama State Board of Public Accountancy		295,000	295,000
3. ADJUSTMENT, BOARD OF:			
(a) Special Services Program			230,000
SOURCE OF FUNDS:			
(1) State General Fund	15,000		
For the State General Fund Contribution to the total expenditure of $750,000 pursuant to Section 41-9-73, Code of Alabama 1975, as amended.			
(2) State General Fund, Estimated	200,000		
For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975, as amended.			
(3) State General Fund - Administrative Costs	15,000		
Total Board of Adjustment	230,000		230,000
4. AERONAUTICS, DEPARTMENT OF:			
(a) Airport Development and Aeronautical Support Program			687,760
The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of $364.			
SOURCE OF FUNDS:			
(1) Airport Development Fund		687,760	
As provided by Section 4-2-42, Code of Alabama 1975.			
Total Department of Aeronautics		687,760	687,760
5. AGING, COMMISSION ON:			
(a) Planning and Advocacy for Elderly Program			25,104,400
The appropriation to the Commission on Aging shall include a transfer to			

the State Personnel Department of $1,819.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	2,105,000		
Federal, Local and Miscellaneous Funds		22,999,400	
Total Commission on Aging	2,105,000	22,999,400	25,104,400
6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:			
(a) Water Resource Development Program			3,000,000
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	3,000,000		
Total Agricultural and Conservation Development Commission	3,000,000		3,000,000
7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a) Agricultural Development Services Program			28,650
SOURCE OF FUNDS:			
(1) State General Fund	28,650		
Total Alabama Agricultural and Industrial Exhibit Commission	28,650		28,650
8. AGRICULTURAL CENTER BOARD:			
(a) Agricultural Development Services Program			699,874
The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of $768.			
SOURCE OF FUNDS:			
(1) State General Fund	99,320		
For expense and awarding of prizes for fairs as provided in Section 2-7-2, Code of Alabama 1975.			
(2) State General Fund-Transfer-Operations	95,500		
(3) State General Fund-Transfer-Livestock Coliseum	245,244		

(4) Livestock Coliseum Fund		259,810	
Total Agricultural Center Board	440,064	259,810	699,874
9. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:			
(a) Administrative Services Program			1,473,494
(b) Agricultural Inspection Services Program			10,757,091
(c) Laboratory Analysis and Disease Control Program			3,992,889
(d) Agricultural Development Services Program			1,750,617
The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of $35,540.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	7,444,880		
(2) Federal, Local and Miscellaneous Funds		2,447,125	
(3) Shipping Point Inspection Fund		4,521,500	
Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.			
4. Agricultural Fund		3,560,586	
Total Department of Agriculture and Industries	7,444,880	10,529,211	17,974,091
10. AIR TRANSPORTATION AND SERVICE, DEPARTMENT OF:			
(a) Administrative Support Services Program			2,277,444
The appropriation to the Department of Air Transportation and Service shall include a transfer to the State Personnel Department of $1,375.			

SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,202,956		
(2) Departmental Receipts		1,074,488	
Total Department of Air Transportation and Service	1,202,956	1,074,488	2,277,444
11. ALABAMA TRUST FUND BOARD:			
(a) Administrative Program			238,750
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	238,750		
Total Alabama Trust Fund Board	238,750		238,750
12. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:			
(a) Alcoholic Beverage Management Program			24,029,145
(b) Enforcement Program			5,886,000
(c) Administrative Services Program			4,044,840
The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of $77,510 and to the Department of Mental Health of $1,000,000.			
SOURCE OF FUNDS:			
(1) ABC Board Fund		33,959,985	

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board		33,959,985	33,959,985
13. ARCHITECTS, BOARD FOR REGISTRATION OF:			
(a) Professional and Occupational Licensing and Regulation Program			164,000
The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of $121.			
SOURCE OF FUNDS:			
(1) Fund of the Board for Registration of Architects		164,000	
As provided in Section 34-2-41, Code of Alabama 1975.			
Total Board for Registration of Architects		164,000	164,000
14. ARCHIVES AND HISTORY, DEPARTMENT OF:			
(a) Historical Resources Management Program			1,441,788
(b) Alabama Newspaper Project			44,000
The appropriation to the Department of Archives and History shall include a transfer to the State Personnel Department of $3,113.			
SOURCE OF FUNDS:			
(1) State General Fund	1,315,869		
(2) Federal Funds		169,919	
Total Department of Archives and History	1,315,869	169,919	1,485,788
15. ATTORNEY GENERAL, OFFICE OF THE:			
(a) Legal Advice and Legal Services Program			4,835,052
(b) Fair Marketing Practices Program			474,028
The appropriation to the Office of the Attorney General shall include a transfer to the State Personnel Department of $11,847.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	3,868,207		
(2) State General Fund-Transfer-Consumer Protection	454,028		

(3) Transfer from Pensions and Security		446,165	
(4) Federal, Local and Miscellaneous Funds		540,680	
Total Office of the Attorney General ..	4,322,235	986,845	5,309,080
16. AUDITOR, STATE:			
(a) Fiscal Management Program			814,844
The appropriation to the State Auditor shall include a transfer to the State Personnel Department of $1,819.			
SOURCE OF FUNDS:			
(1) State General Fund	814,844		
Total State Auditor	814,844		814,844
17. BANKING DEPARTMENT, STATE:			
(a) Charter, License and Regulate Financial Institutions Program			2,521,121
The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of $3,962.			
SOURCE OF FUNDS:			
(1) Banking Assessment Fees		2,249,980	
As provided in Section 5-2A-20, Code of Alabama 1975.			
(2) Loan Examination Fund		271,141	
As provided in Section 5-2A-24, Section 5-16-38.1, and Section 5-18-5, Code of Alabama 1975, as amended.			
Total State Banking Department		2,521,121	2,521,121
18. BAR ASSOCIATION, ALABAMA STATE:			
(a) Professional and Occupational Licensing and Regulation Program			1,030,561
SOURCE OF FUNDS:			
(1) State Bar Association Fund		950,561	
As provided in Section 34-3-4, and Section 34-3-44, Code of Alabama 1975.			
(2) Local Funds Estimated		80,000	

As provided in Sections 34-3-44, 34-3-17 and 34-3-18, Code of Alabama 1975.			
Total Alabama State Bar Association		1,030,561	1,030,561
19. BEAR CREEK DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			350,376
SOURCE OF FUNDS:			
(1) State General Fund	45,076		
(2) Federal, Local and Miscellaneous Funds		305,300	
Total Bear Creek Development Authority	45,076	305,300	350,376
20. BUILDING COMMISSION, STATE:			
(a) Special Services Program			610,625
The appropriation to the State Building Commission shall include a transfer to the State Personnel Department of $1,456.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	358,125		
(2) Federal, Local and Miscellaneous Funds		252,500	
Total State Building Commission	358,125	252,500	610,625
21. CAHAWBA ADVISORY COMMITTEE:			
(a) Historical Resources Management Program			9,550
SOURCE OF FUNDS:			
(1) State General Fund	9,550		
Total Cahawba Advisory Committee	9,550		9,550
22. CHILD ABUSE AND NEGLECT PREVENTION BOARD:			
(a) Social Services Program			270,000
In accordance with Sections 26-16-1 et seq., and 26-16-30 et seq., Code of Alabama 1975, as amended. The appropriation to the Child Abuse and Neglect Prevention Board shall include a transfer to the State Personnel Department of $81.			

SOURCE OF FUNDS:		
(1) Children's Trust Funds, Estimated	270,000	
Total Child Abuse and Neglect Prevention Board	270,000	270,000
23. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		88,730
The appropriation to the State Board of Chiropractic Examiners shall include a transfer to the State Personnel Department of $81.		
SOURCE OF FUNDS:		
(1) Alabama State Board of Chiropractic Examiner's Fund	88,730	
As provided in Section 34-24-143, Code of Alabama 1975.		
Total Alabama State Board of Chiropractic Examiners	88,730	88,730
24. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:		
(a) State Land Management Program		883,465
(b) Outdoor Recreation Sites and Services Program		13,737,078
(c) Marine Police Program		2,511,785
(d) Game and Fish Program		14,314,275
Of the funds hereinabove appropriated to the Game and Fish Program, $100,000 shall be allocated to the Troy-Pike County Lake Authority to be conditioned on the approval of a local tax earmarked for said Authority.		
(e) Marine Resources Program		2,002,040
(f) Land and Water Conservation Program		1,200,000
(g) Administrative Services Program		2,415,584
(h) Land Survey Program		342,387
The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine		

Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion. The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of $77,227.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,146,000	
(2) State Lands Fund Transfer to Game and Fish Fund		1,346,000

The funds hereinabove appropriated from the State Lands Fund to the Game and Fish Fund is the estimated unexpended and/or unobligated remainder of the $3,000,000 contemplated by Acts No. 85-651 and 85-889 that was not transferred in FY 1985-86.

(3) Game and Fish Fund		12,968,275
(4) State Lands Fund		883,465

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(5) Marine Resources Fund		2,002,040

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(6) Marine Police Fund		2,511,785
(7) State Parks Fund		300,000
(8) Parks Revolving Fund		11,691,078

(9) Administrative Funds		2,415,584	
The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., Code of Alabama 1975.			
(10) Cigarette Tax		600,000	
(11) Land Survey Fund		342,387	
(12) Federal Land and Water Fund		1,200,000	
Total Department of Conservation and Natural Resources	1,146,000	36,260,614	37,406,614
25. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:			
(a) Professional and Occupational Licensing and Regulation Program			343,361
The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of $283.			
SOURCE OF FUNDS:			
(1) State Licensing Board for General Contractors Fund		343,361	
Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.			
Total State Licensing Board for General Contractors		343,361	343,361
26. CORRECTIONS, DEPARTMENT OF:			
(a) Administrative Services and Logistical Support Program			8,272,331
(b) Institutional Services Corrections Program			95,463,909
(c) Correctional Industries Program			13,248,519
The appropriation to the Department of Corrections shall include a transfer to the State Personnel Department of $204,590.			

SOURCE OF FUNDS:			
(1) State General Fund-Transfer	104,043,300		
(2) Department of Corrections Fund		12,941,459	
The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.			
Total Department of Corrections	104,043,300	12,941,459	116,984,759
27. COSMETOLOGY, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			467,600
The appropriation to the Board of Cosmetology shall include a transfer to the State Personnel Department of $728.			
SOURCE OF FUNDS:			
(1) Alabama Board of Cosmetology Fund		467,600	
As provided in Section 34-7-42, Code of Alabama 1975.			
Total Alabama Board of Cosmetology		467,600	467,600
28. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:			
(a) Professional and Occupational Licensing and Regulation Program			42,000
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners in Counseling Fund		42,000	
As provided in Section 34-8A-6, Code of Alabama 1975.			
Total Alabama Board of Examiners in Counseling		42,000	42,000
29. CREDIT UNION ADMINISTRATION, ALABAMA:			
(a) Charter, License and Regulate Financial Institutions Program			285,803
The appropriation to the Alabama Credit Union Administration shall			

include a transfer to the State Personnel Department of $364.			
SOURCE OF FUNDS:			
(1) Alabama Credit Union Administration Fund		285,803	
As provided in Section 5-17-7, Code of Alabama 1975, as amended.			
Total Alabama Credit Union Administration		285,803	285,803
30. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:			
(a) Special Services Program, Estimated			361,061
The appropriation to the Alabama Crime Victims Compensation Commission shall include a transfer to the State Personnel Department of $162.			
SOURCE OF FUNDS:			
(1) Alabama Crime Victims Compensation Commission Fund, Estimated		361,061	
To be expended in accordance with Sections 15-23-1 et seq., Code of Alabama 1975, as amended.			
Total Alabama Crime Victims Compensation Commission		361,061	361,061
31. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:			
(a) Criminal Justice Information Services Program			3,042,314
The appropriation to the Alabama Criminal Justice Information Center shall include a transfer to the State Personnel Department of $3,801.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	2,436,431		
(2) Federal, Local and Miscellaneous Funds		605,883	
Total Alabama Criminal Justice Information Center	2,436,431	605,883	3,042,314

32. DEVELOPMENT OFFICE, ALABAMA:			
(a) Promotional Development Program-Alabama Film Commission ...			210,027
(b) Administrative Services Program-Office of Minority Business			95,500
(c) Industrial Development Program-Alabama Development Office			2,522,568
The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of $2,628.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer - Alabama Development Office	2,472,568		
(2) State General Fund - Transfer - Office of Minority Business	95,500		
(3) State General Fund - Transfer - Alabama Film Commission	210,027		
(4) Federal, Local and Miscellaneous Funds		50,000	
Total Alabama Development Office	2,778,095	50,000	2,828,095
33. DISTRICT ATTORNEYS:			
(a) Court Operations Program			10,374,558
The proposed spending plan included in the above total is as follows:			
Salaries of District Attorneys 2,118,337			
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit 52,695			
For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit 123,589			
Salaries and expenses of Supernumerary District Attorneys 852,166			
For use in the District Attorney's Office of the 1st Judicial Circuit 109,166			
For use in the District Attorney's Office of the 2nd Judicial Circuit 100,948			
For use in the District Attorney's Office of the 3rd Judicial Circuit 161,860			

For use in the District Attorney's Office of the 4th Judicial Circuit 379,092

For use in the District Attorney's Office of the 5th Judicial Circuit 327,580

For use in the District Attorney's Office of the 6th Judicial Circuit 269,629

For use in the District Attorney's Office of the 7th Judicial Circuit 210,219

For use in the District Attorney's Office of the 8th Judicial Circuit 164,378

For use in the District Attorney's Office of the 9th Judicial Circuit 131,439

For use in the District Attorney's Office of the 10th Judicial Circuit 413,004

For use in the District Attorney's Office of the 11th Judicial Circuit 117,371

For use in the District Attorney's Office of the 12th Judicial Circuit 235,018

For use in the District Attorney's Office of the 13th Judicial Circuit 389,534

For use in the District Attorney's Office of the 14th Judicial Circuit 121,670

For use in the District Attorney's Office of the 15th Judicial Circuit 384,578

For use in the District Attorney's Office of the 16th Judicial Circuit 184,894

For use in the District Attorney's Office of the 17th Judicial Circuit 81,189

For use in the District Attorney's Office of the 18th Judicial Circuit 203,065

For use in the District Attorney's Office of the 19th Judicial Circuit 154,585

For use in the District Attorney's Office of the 20th Judicial Circuit 184,912

For use in the District Attorney's Office of the 21st Judicial Circuit 140,112

For use in the District Attorney's Office of the 22nd Judicial Circuit 121,837

For use in the District Attorney's Office of the 23rd Judicial Circuit 285,978

For use in the District Attorney's Office of the 24th Judicial Circuit 114,972

For use in the District Attorney's Office of the 25th Judicial Circuit 110,558

For use in the District Attorney's Office of the 26th Judicial Circuit 188,018

For use in the District Attorney's Office of the 27th Judicial Circuit 141,927

For use in the District Attorney's Office of the 28th Judicial Circuit 167,947

For use in the District Attorney's Office of the 29th Judicial Circuit 175,514

For use in the District Attorney's Office of the 30th Judicial Circuit 175,292

For use in the District Attorney's Office of the 31st Judicial Circuit 113,428

For use in the District Attorney's Office of the 32nd Judicial Circuit 131,362

For use in the District Attorney's Office of the 33rd Judicial Circuit 125,798

For use in the District Attorney's Office of the 34th Judicial Circuit 100,161

For use in the District Attorney's Office of the 35th Judicial Circuit 95,406

For use in the District Attorney's Office of the 36th Judicial Circuit 96,503		
For use in the District Attorney's Office of the 37th Judicial Circuit 148,858		
For use in the District Attorney's Office of the 38th Judicial Circuit 137,028		
For use in the District Attorney's Office of the 39th Judicial Circuit 100,959		
Appropriations of Salaries of Personnel Established by Statute are estimated.		
Travel Expense of District Attorneys 71,625		
Investigators Subsistence-Act 85-754 160,357		
SOURCE OF FUNDS:		
(1) State General Fund	10,374,558	
Total District Attorneys	10,374,558	10,374,558
34. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:		
(a) Administrative Support Services Program		4,849,132
(b) Planning Program		36,078,552
(c) Special Services Program		19,935,408
(d) Skills Enhancement and Employment Opportunities Program		69,047,133
(e) Energy Management Program		8,011,347
(f) Traffic Control and Accident Prevention Program		3,038,224
(g) Law Enforcement Planning and Development Program		2,005,541
(h) Surplus Property Program		1,095,500
(i) Regional Planning Commission Program		286,500
The appropriation to the Alabama Department of Economic and Community Affairs shall include a transfer to the State Personnel Department of $27,535.		

SOURCE OF FUNDS:			
(1) State General Fund - Transfer	5,428,941		
(2) Federal, Local and Miscellaneous Funds		133,531,375	
(3) Administrative Transfers		4,387,021	
(4) Administrative Transfers from Federal Surplus Property		500,000	
(5) Administrative Transfers from Sale of State Owned Surplus Property Sales		500,000	
Total Alabama Department of Economic and Community Affairs	5,428,941	138,918,396	144,347,337
35. ELECTRICAL CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			94,755
SOURCE OF FUNDS:			
(1) Electrical Contractors Board Fees		94,755	
As provided by Act No. 85-921, 1985 Second Special Session.			
Total Board of Electrical Contractors		94,755	94,755
36. ELK RIVER DEVELOPMENT AGENCY:			
(a) Water Resource Development Program			647,989
SOURCE OF FUNDS:			
(1) State General Fund	4,489		
(2) Federal, Local and Miscellaneous Funds		643,500	
Total Elk River Development Agency	4,489	643,500	647,989
37. EMERGENCY MANAGEMENT AGENCY:			
(a) Readiness and Recovery Program			4,043,496
The appropriation to the Emergency Management Agency shall include a transfer to the State Personnel Department of $2,952.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	841,546		

(2) Federal, Local and Miscellaneous Funds		3,201,950	
Total Emergency Management Agency	841,546	3,201,950	4,043,496
38. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:			
(a) Professional and Occupational Licensing and Regulation Program			350,000
The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of $283.			
SOURCE OF FUNDS:			
(1) Professional Engineers' Fund		350,000	
As provided in Section 34-11-36, Code of Alabama 1975.			
Total State Board of Registration for Professional Engineers and Land Surveyors		350,000	350,000
39. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:			
(a) Environmental Management Program			10,162,258
The appropriation to the Department of Environmental Management shall include a transfer to the State Personnel Department of $19,044.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	2,435,250		
(2) Environmental Management Fees and Fines		1,555,356	
As provided in Section 22-22A-11, Code of Alabama 1975 (1983 Cum. Supp.).			
(3) Federal, Local and Miscellaneous Funds		6,171,652	
Total Department of Environmental Management	2,435,250	7,727,008	10,162,258
40. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program			273,035
The appropriation to the Ethics Commission shall include a transfer to			

the State Personnel Department of $485.			
SOURCE OF FUNDS:			
(1) State General Fund	273,035		
Total Alabama Ethics Commission	273,035		273,035
41. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program			122,540
The appropriation to the Farmers' Market Authority shall include a transfer to the State Personnel Department of $202.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer for Administration	77,069		
(2) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		45,471	
Total Farmers' Market Authority	77,069	45,471	122,540
42. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program			3,081,103
(b) Administrative Support Services Program			4,538,888
The appropriation to the Department of Finance shall include a transfer to the State Personnel Department of $35,581.			
SOURCE OF FUNDS:			
(1) State General Fund	7,569,991		
(2) Miscellaneous Funds		50,000	
Total Department of Finance	7,569,991	50,000	7,619,991
43. FINANCE, DEPARTMENT OF - STATE INSURANCE FUND:			
(a) Administrative Support Services Program			764,154
SOURCE OF FUNDS:			
(1) State Insurance Fund - Administrative		764,154	
As provided in Sections 41-15-1 et seq., Code of Alabama 1975.			

Total Department of Finance - State Insurance Fund		764,154	764,154
44. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			80,220
The appropriation to the Foreign Trade Relations Commission shall include a transfer to the State Personnel Department of $121.			
SOURCE OF FUNDS:			
(1) State General Fund	80,220		
Total Foreign Trade Relations Commission	80,220		80,220
45. FORENSIC SCIENCES, DEPARTMENT OF:			
(a) Forensic Science Services Program			5,096,770
The appropriation to the Department of Forensic Sciences shall include a transfer to the State Personnel Department of $9,017.			
SOURCE OF FUNDS:			
(1) State General Fund	4,861,905		
(2) Federal, Local and Miscellaneous Funds		234,865	
Total Department of Forensic Sciences	4,861,905	234,865	5,096,770
46. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			21,900
SOURCE OF FUNDS:			
(1) Professional Foresters' Fund		21,900	
As provided in Section 34-12-36, Code of Alabama 1975.			
Total Alabama State Board of Registration for Foresters		21,900	21,900
47. FORESTRY COMMISSION, ALABAMA:			
(a) Forest Resources Protection Program			12,660,366
(b) Forest Resources Development Program			3,238,943

(c) Administrative Services Program			2,303,691
The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of $29,435.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	10,127,500		
(2) Federal and Local Funds		2,391,000	
(3) Forestry Commission Fund		5,684,500	
Of the above appropriation, at least $650,000 shall be used for rural and community fire protection.			
Total Alabama Forestry Commission	10,127,500	8,075,500	18,203,000
In addition to the appropriation hereinabove made to the Alabama Forestry Commission, there is hereby appropriated $1,442,500 to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.			
48. FUNERAL SERVICE, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			110,000
The appropriation to the Board of Funeral Service shall include a transfer to the State Personnel Department of $121.			
SOURCE OF FUNDS:			
(1) Alabama Funeral Directors and Embalmers Fund		110,000	
As provided in Section 34-13-23, Code of Alabama 1975, as amended.			
Total Alabama Board of Funeral Service		110,000	110,000
49. GEOLOGICAL SURVEY:			
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program			2,190,870
The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of $5,216.			
SOURCE OF FUNDS:			
(1) State General Fund	1,634,738		

(2) Federal, Local and Miscellaneous Funds		556,132	
Total Geological Survey	1,634,738	556,132	2,190,870
50. GORGAS MEMORIAL BOARD:			
(a) Historical Resources Management Program			13,809
SOURCE OF FUNDS:			
(1) State General Fund	8,309		
As provided in Section 41-9-220, Code of Alabama 1975 and an additional amount.			
(2) Federal, Local and Miscellaneous Funds		5,500	
Total Gorgas Memorial Board	8,309	5,500	13,809
51. GOVERNOR'S CONTINGENCY FUND:			
(a) Executive Direction Program			382,000
SOURCE OF FUNDS:			
(1) State General Fund	382,000		
Total Governor's Contingency Fund	382,000		382,000
52. GOVERNOR'S MANSION ADVISORY BOARD:			
(a) Historical Resources Management Program			9,550
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	9,550		
Total Governor's Mansion Advisory Board	9,550		9,550
53. GOVERNOR'S MANSION:			
(a) Executive Direction Program			191,000
SOURCE OF FUNDS:			
(1) State General Fund	191,000		
Total Governor's Mansion	191,000		191,000
54. GOVERNOR'S OFFICE:			
(a) Executive Direction Program			1,461,150
The appropriation to the Governor's Office shall include a transfer to the State Personnel Department of $1,536.			

SOURCE OF FUNDS:			
(1) State General Fund	1,461,150		
Total Governor's Office	1,461,150		1,461,150
55. GOVERNOR'S OFFICE - LEGAL:			
(a) Executive Direction Program			97,410
SOURCE OF FUNDS:			
(1) State General Fund	97,410		
Total Governor's Office-Legal	97,410		97,410
56. GOVERNOR'S VOLUNTARY CITIZENS' PARTICIPATION:			
(a) Executive Direction Program			100,000
SOURCE OF FUNDS:			
(1) Federal Funds		50,000	
(2) Transfer from Governor's Office		50,000	
Total Governor's Voluntary Citizens' Participation		100,000	100,000
57. HEALTH, DEPARTMENT OF PUBLIC:			
(a) Personal Health Improvement Program			55,405,500
(b) Health Support Services Program			55,082,394
Of this amount $6,768,248 shall go to support local health department services of which $3,685,000 shall be used to provide a minimum staff in each of the sixty-seven counties, and the remaining amount shall be distributed on a one-to-one match with locally appropriated funds for the support of local health services on a per capita basis. At the end of the first quarter, any unmatched funds may be distributed to other counties with appropriate matching funds.			
(c) Administrative Services Program			6,473,526
The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of $156,111.			
SOURCE OF FUNDS:			
(1) State General Fund	15,566,500		
(2) Cigarette Tax-$0.01 and $0.02		2,860,709	
As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975, as amended.			

(3) Vital Statistics Fund		1,800,969	
(4) Hospital Licensing Fund		355,000	
(5) Emergency Medical Services Fund		90,000	
As provided in Section 22-18-4, Code of Alabama 1975.			
(6) Local Health Department		37,451,081	
(7) Nuclear Monitoring Fund		120,000	
(8) Radiation Safety Fund		172,000	
(9) Miscellaneous Funds		4,075,014	
(10) Federal Funds		54,470,147	
Total Department of Public Health	15,566,500	101,394,920	116,961,420
58. HEALTH PLANNING AGENCY, STATE:			
(a) Health Planning, Development and Regulation Program			1,807,584
The appropriation to the State Health Planning Agency shall include a transfer to the State Personnel Department of $1,658.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	302,584		
(2) Certificate of Need Fees		200,000	
(3) Federal, Local and Miscellaneous Funds		1,305,000	
Total State Health Planning Agency	302,584	1,505,000	1,807,584
59. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			25,000
SOURCE OF FUNDS:			
(1) State Board of Health - Hearing Aid Fund		25,000	
As provided in Section 34-14-33, Code of Alabama 1975.			
Total Alabama Board of Hearing Aid Dealers		25,000	25,000
60. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			107,596
The appropriation to the Board of Heating and Air Conditioning Contractors shall include a transfer to			

the State Personnel Department of $162.			
SOURCE OF FUNDS:			
(1) Heating and Air Conditioning Contractors Fund		107,596	
Total Board of Heating and Air Conditioning Contractors		107,596	107,596
61. HERITAGE TRUST FUND, ALABAMA:			
(a) Fiscal Management Program			20,000
SOURCE OF FUNDS:			
(1) Heritage Trust Income Fund		20,000	
Total Alabama Heritage Trust Fund		20,000	20,000
62. HIGHWAY DEPARTMENT:			
(a) Central Administration Program			10,748,512
(b) Division and District Supervision Program			19,931,240
(c) Operations and Support Services Program			8,514,035
(d) Maintenance Program			85,971,822
(e) Non-Programmatic Expenditures			90,934,239
Proposed Spending Plan for the above (e) includes the following:			
Debt Service 89,353,787			
Equipment-Other than Automotive 1,580,452			
(f) Construction-Federal Aid Program			342,170,638
Proposed Spending Plan for the above (f) includes the following:			
Federal Aid Matching 50,509,928			
Non-Participating Work on Federal Projects 1,000,000			
Federal Aid 290,660,710			
(g) Construction-State Program			15,000,000
(h) Operations-Land and Buildings			1,745,700
The appropriation to the Highway Department shall include a transfer to the State Personnel Department of $345,094.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	86,189		
(2) Public Road and Bridge Fund		284,269,287	

(3) Federal Aid		290,660,710	

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of $89,353,787 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h) of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full,

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Highway Department	86,189	574,929,997	575,016,186
63. HISTORIC BLAKELEY AUTHORITY:			
(a) Tourism and Travel Promotion Program			130,411
SOURCE OF FUNDS:			
(1) State General Fund	124,150		

(2) Federal, Local and Miscellaneous Funds		6,261	
Total Historic Blakeley Authority	124,150	6,261	130,411
64. HISTORIC CHATTAHOOCHEE COMMISSION:			
(a) Historical Resources Management Program			146,400
SOURCE OF FUNDS:			
(1) State General Fund	76,400		
(2) Federal, Local and Miscellaneous Funds		70,000	
Total Historic Chattahoochee Commission	76,400	70,000	146,400
65. HISTORICAL COMMISSION, ALABAMA:			
(a) Historical Resources Management Program			1,178,548
(b) Historical Resources Management Program-Capital Outlay			250,000
The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of $4,043.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	640,455		
The State General Fund appropriation shall be distributed as follows:			
Historical Commission, Alabama 484,858			
Historical Commission, Alabama-La Grange 7,774			
Historical Commission, Alabama-Richard P. Hobson Memorial Board 5,724			
Historical Commission, Alabama-Fort Morgan 110,345			
Historical Commission, Alabama-Fort Toulouse 20,294			
Historical Commission, Alabama-John T. Morgan House, Selma 11,460			
(2) State General Fund - Transfer-Capital Outlay	250,000		
The State General Fund Transfer for Capital Outlay shall be distributed as follows:			
Bellemont 100,000			

Cahaba 50,000			
Fort Morgan 25,000			
John T. Morgan House 50,000			
Magnolia Grove 25,000			
(3) Federal, Local and Miscellaneous Funds		538,093	
Total Alabama Historical Commission	890,455	538,093	1,428,548
66. INDIAN AFFAIRS COMMISSION, ALABAMA:			
(a) Social Services Program			128,925
The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975, as amended.			
The appropriation to the Alabama Indian Affairs Commission shall include a Transfer to the State Personnel Department of $122.			
SOURCE OF FUNDS:			
(1) State General Fund	128,925		
Total Alabama Indian Affairs Commission	128,925		128,925
66A. INDUSTRIAL DEVELOPMENT AUTHORITY, ALABAMA:			
(a) Industrial Development Program			95,000
SOURCE OF FUNDS:			
(1) State Industrial Development Authority Application Fees Fund		95,000	
Total Alabama Industrial Development Authority		95,000	95,000
(As provided by Article 2, Chapter 10, Title 41, Code of Alabama 1975 and Executive Order No. 47 Signed on December 31, 1985.)			
67. INDUSTRIAL RELATIONS, DEPARTMENT OF:			
(a) Unemployment Compensation Program			16,819,918
(b) Skills Enhancement and Employment Opportunities Program			20,908,072
(c) Industrial Safety and Accident Prevention Program			4,606,390

(d) Administrative Services Program			9,011,863
(e) Workmen's Compensation Program			597,535
The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of $146,973.			
SOURCE OF FUNDS:			
(1) State General Fund	1,208,733		
(2) Federal, Local and Miscellaneous Funds		50,735,045	
Total Department of Industrial Relations	1,208,733	50,735,045	51,943,778
68. INSURANCE, DEPARTMENT OF:			
(a) Regulatory Services Program			1,500,855
The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of $5,054.			
SOURCE OF FUNDS:			
(1) State General Fund	1,368,515		
(2) Fire Marshal's Fund		132,340	
As provided in Section 24-5-10, Code of Alabama 1975, as amended. Any balance in excess of $50,000 at the end of the fiscal year shall be transferred to the State General Fund.			
Total Department of Insurance	1,368,515	132,340	1,500,855
69. INSURANCE BOARD, STATE EMPLOYEES':			
(a) Administrative Support Services Program			106,600
The appropriation to the State Employees' Insurance Board shall include a transfer to the State Personnel Department of $81.			
SOURCE OF FUNDS:			
(1) State Employees' Insurance Board Expense Fund		106,600	

Total State Employees' Insurance Board		106,600	106,600
70. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			5,700
SOURCE OF FUNDS:			
(1) Interior Designers Fund		5,700	
As provided in Section 34-15A-7, Code of Alabama 1975, (1983 Cum. Supp.).			
Total State Board of Registration for Interior Designers		5,700	5,700
71. INTERNATIONAL TRADE, OFFICE OF:			
(a) Special Projects Program			238,750
To be expanded in accordance with Executive Order Number 31, dated September 30, 1984. The appropriation to the Office of International Trade shall include a transfer to the State Personnel Department of $243.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	238,750		
Total Office of International Trade	238,750		238,750
72. LABOR, DEPARTMENT OF:			
(a) Regulatory Services Program			366,347
The appropriation to the Department of Labor shall include a transfer to the State Personnel Department of $728.			
SOURCE OF FUNDS:			
(1) State General Fund	317,347		
(2) Federal, Local and Miscellaneous Funds		49,000	
Total Department of Labor	317,347	49,000	366,347
73. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program			12,549
SOURCE OF FUNDS:			
(1) Landscape Architects Fund		12,549	
As provided in Section 34-17-6, Code of Alabama 1975.			

Total Board of Examiners for Landscape Architects		12,549	12,549
74. LIQUEFIED PETROLEUM GAS BOARD:			
(a) Regulatory Services Program			259,250
The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of $526.			
SOURCE OF FUNDS:			
(1) Liquefied Petroleum Gas Board Fund		259,250	
Total Liquefied Petroleum Gas Board		259,250	259,250
75. MANUFACTURED HOUSING COMMISSION, ALABAMA:			
(a) Regulatory Services Program			154,000
SOURCE OF FUNDS:			
(1) Alabama Manufactured Housing Commission Fund		154,000	
As provided in Section 24-5-13.1, Code of Alabama 1975, as amended.			
Total Alabama Manufactured Housing Commission		154,000	154,000
76. MEDICAID AGENCY, ALABAMA:			
(a) Medical Assistance Through Medicaid Program			483,832,501
The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of $21,632.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	105,872,373		
(2) Transfer from Pensions and Security		3,398,000	
(3) Transfer from Mental Health		20,139,900	
(4) Transfer from Commission on Aging		1,130,000	

(5) Federal, Local and Miscellaneous Funds		353,292,228	
Total Alabama Medicaid Agency	105,872,373	377,960,128	483,832,501
77. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:			
(a) Institutional Treatment and Care-Mental Illness Program			77,826,803
(b) Institutional Treatment and Care-Mental Retardation Program			60,650,751
(c) Institutional Treatment and Care-Criminally Insane Program			4,815,415
(d) Administrative Services Program			4,615,466
(e) Non-Institutional Treatment and Care Program			21,402,583
(f) Community Mental Health Services Program			26,904,054

It is the intent of the Legislature that this appropriation be used to fund Community Mental Health and Mental Retardation Programs and that none of said appropriation be shifted to any other program. The appropriation herein provided shall be for the provision of community mental illness and substance abuse programs and services operated by Mental Health/Mental Retardation Boards created pursuant to Section 22-51-1 et seq., Code of Alabama 1975, and certified by the Department of Mental Health and Mental Retardation. In the event that no such program is certified by the Department of Mental Health and Mental Retardation in a particular catchment area, funds under this appropriation may be expended through other certified community programs in said catchment area. Of the appropriation hereinabove made to the Department of Mental Health and Mental Retardation, there shall be at least $6,290,000 expended for the treatment of rehabilitation and for education on alcohol and drug abuse. The appropriation to the Department of Mental Health and Mental Retardation shall include a transfer to the State Personnel Department of $381,605.

SOURCE OF FUNDS:

(1) Special Mental Health Trust Fund		81,416,038	
For operations and maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.			
(2) State General Fund - Transfer	40,683,000		
(3) Transfer from ABC Profits		1,000,000	
(4) Cigarette Tax		6,300,000	

(5) Federal, Local and Miscellaneous Funds		66,816,034	
Total Department of Mental Health and Mental Retardation	40,683,000	155,532,072	196,215,072
78. MILITARY DEPARTMENT:			
(a) Military Operations Program			5,491,250
(b) Capital Outlay			450,000
The appropriation to the Military Department shall include a transfer to the State Personnel Department of $13,302.			
SOURCE OF FUNDS:			
(1) State General Fund-Operations	1,648,151		
(2) State General Fund-Quarterly Allowances Headquarters	1,435,545		
Regular Allowance Units to be used solely for operating expenses; provided, that no more than $4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters.			
(3) State General Fund - Transfer-Capital Outlay for Architect and Engineering Services and specifications and construction of facilities	450,000		
(4) State General Fund - Active Military Service	100,000		
(5) State General Fund - Transfer to Armory Commission	2,296,094		
(6) State General Fund - Dropping Allowance	4,775		
(7) State General Fund - State Defense Force	6,685		
Total Military Department	5,941,250		5,941,250
79. MILITARY DEPARTMENT-ARMORY COMMISSION OF ALABAMA:			
(a) Military Operations Program			4,042,189
SOURCE OF FUNDS:			
(1) Transfer from Military Department		2,296,094	
(2) Federal, Local and Miscellaneous Funds		1,746,095	
The funds hereinabove appropriated to the Armory Commission shall be			

payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of $50,000 shall be transferred to the State General Fund.			
Total Armory Commission of Alabama		4,042,189	4,042,189
80. MOTOR SPORTS HALL OF FAME:			
(a) Tourism and Travel Promotion Program			71,625
SOURCE OF FUNDS:			
(1) State General Fund	71,625		
Total Motor Sports Hall of Fame	71,625		71,625
81. MUSIC HALL OF FAME, ALABAMA:			
(a) Fine Arts Program			142,877
SOURCE OF FUNDS:			
(1) State General Fund	95,500		
(2) Federal, Local and Miscellaneous Funds		47,377	
Total Alabama Music Hall of Fame	95,500	47,377	142,877
82. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program			40,000
The appropriation to the Board of Examiners of Nursing Home Administrators shall include a transfer to the State Personnel Department of $40.			
SOURCE OF FUNDS:			
(1) Board of Examiners of Nursing Home Administrators Fund		40,000	
As provided in Section 34-20-7, Code of Alabama 1975, as amended.			

Total Board of Examiners of Nursing Home Administrators		40,000	40,000
83. OIL AND GAS BOARD:			
(a) Management and Regulation of Oil and Gas Exploration and Development Program			2,127,432
The appropriation to the Oil and Gas Board shall include a transfer to the State Personnel Department of $3,882.			
SOURCE OF FUNDS:			
(1) State General Fund	2,107,432		
(2) Federal, Local and Miscellaneous Funds		20,000	
Total Oil and Gas Board	2,107,432	20,000	2,127,432
In addition to the appropriations hereinabove made, there is hereby appropriated $40,000 to the Oil and Gas Board from the Oil and Gas Board Special Fund to be conditioned upon the passage of legislation creating this special fund.			
84. PARDONS AND PAROLES, BOARD OF:			
(a) Administration of Pardons and Paroles Program			8,507,889
The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of $19,650.			
SOURCE OF FUNDS:			
(1) State General Fund	6,678,902		
(2) Probationers Upkeep Fund		1,828,987	
In accordance with Section 15-22-2, Code of Alabama 1975.			
Total Board of Pardons and Paroles	6,678,902	1,828,987	8,507,889
85. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:			
(a) Retirement Systems Program			269,894
The appropriation to the Alabama Peace Officers' Annuity and Benefit Fund shall include a transfer to the State Personnel Department of $283.			

SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Benefit Fund		269,894	
As provided in Section 36-21-66, Code of Alabama 1975.			
Total Alabama Peace Officers' Annuity and Benefit Fund		269,894	269,894
86. PENSIONS AND SECURITY, DEPARTMENT OF:			
(a) Human Services Program			254,454,643
(b) Client Services Allotment to County Departments of Pensions and Security			165,500

It is the intent of the Legislature that allotments be made to the county departments of Pensions and Security to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Pensions and Security. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, $3,500; county populations less than 50,000, $2,000.

The appropriation to the Department of Pensions and Security shall include a transfer to the State Personnel Department of $325,120.			
SOURCE OF FUNDS:			
(1) Federal, Local and Miscellaneous Funds		175,051,417	
(2) ABC Profits		1,027,130	
(3) Whiskey Tax		18,977,228	
(4) Beer Tax		7,808,284	
(5) Pension Residue		12,800,000	
(6) Sales Tax		1,322,000	
(7) Franchise Tax		10,870,000	
(8) Contracts, Service Fees		80,000	
(9) Child Support Collections		2,884,915	
(10) Sales Tax for Food Stamps		15,546,503	
(11) Cigarette Tax		4,300,000	
(12) Contractor's Gross Receipts Tax		1,920,000	
(13) State General Fund - Transfer	2,032,666		
Total Department of Pensions and Security	2,032,666	252,587,477	254,620,143
87. PERSONNEL DEPARTMENT, STATE:			
(a) Administrative Support Program			2,426,546
SOURCE OF FUNDS:			
(1) Transfer from Department of Aeronautics		364	

(2) Transfer from Commission on Aging	1,819
(3) Transfer from Board of Public Accountancy	162
(4) Transfer from Department of Agriculture and Industries	35,540
(5) Transfer from Agricultural Center Board	768
(6) Transfer from Department of Air Transportation and Service	1,375
(7) Transfer from Alcoholic Beverage Control Board	77,510
(8) Transfer from Board of Registration for Architects	121
(9) Transfer from Archives and History	3,113
(10) Transfer from the Council on Arts and Humanities	606
(11) Transfer from the Office of the Attorney General	11,847
(12) Transfer from the State Auditor	1,819
(13) Transfer from State Banking Department	3,962
(14) Transfer from Finance-Alabama Building Authority	2,426
(15) Transfer from Finance-Alabama Building Finance Authority	162
(16) Transfer from Building Commission	1,456
(17) Transfer from Child Abuse and Neglect Prevention Board	81
(18) Transfer from Chiropractic Examiners	81
(19) Transfer from Civil Air Patrol	81
(20) Transfer from Department of Conservation and Natural Resources	77,227
(21) Transfer from State Licensing Board for General Contractors	283
(22) Transfer from Department of Corrections	204,590
(23) Transfer from Board of Cosmetology	728
(24) Transfer from Credit Union Administration	364

(25) Transfer from Alabama Crime Victims Compensation	162
(26) Transfer from Criminal Justice Information Center	3,801
(27) Transfer from Alabama Development Office	2,628
(28) Transfer from State Docks	42,616
(29) Transfer from Department of Education	105,166
(30) Transfer from Department of Economic and Community Affairs	27,535
(31) Transfer from Emergency Management Agency	2,952
(32) Transfer from Local Emergency Management	3,527
(33) Transfer from Board of Registration for Professional Engineers and Land Surveyors	283
(34) Transfer from Department of Environmental Management	19,044
(35) Transfer from Ethics Commission	485
(36) Transfer from Examiners of Public Accounts	13,019
(37) Transfer from Farmers' Market Authority	202
(38) Transfer from Finance Department	35,581
(39) Transfer from Firefighters Personnel Standards and Education Commission	283
(40) Transfer from Foreign Trade Relations Commission	121
(41) Transfer from Department of Forensic Sciences	9,017
(42) Transfer from Forestry Commission	29,435
(43) Transfer from Funeral Service	121
(44) Transfer from Geological Survey	5,216
(45) Transfer from Governor's Education Reform Commission	121
(46) Transfer from Governor's Office	1,536
(47) Transfer from Department of Public Health	156,111

(48) Transfer from State Health Planning Agency	1,658
(49) Transfer from Board of Heating and Air Conditioning Contractors	162
(50) Transfer from Highway Department	345,094
(51) Transfer from Alabama Historical Commission	4,043
(52) Transfer from Alabama Indian Affairs Commission	122
(53) Transfer from Department of Industrial Relations	146,973
(54) Transfer from Insurance Department	5,054
(55) Transfer from State Employees' Insurance Board	81
(56) Transfer from Office of International Trade	243
(57) Transfer from Judicial Inquiry Commission	40
(58) Transfer from Department of Labor	728
(59) Transfer from Legislative Reference Service	485
(60) Transfer from Liquefied Petroleum Gas Board	526
(61) Transfer from Alabama Medicaid Agency	21,632
(62) Transfer from Department of Mental Health and Retardation	381,605
(63) Transfer from Military Department	13,302
(64) Transfer from Board of Nursing	1,173
(65) Transfer from Board of Examiners of Nursing Home Administrators	40
(66) Transfer from Oil and Gas Board	3,882
(67) Transfer from Pardons and Paroles	19,650
(68) Transfer from Peace Officers' Annuity and Benefit Fund	283
(69) Transfer from Peace Officers' Standards and Training Commission	445
(70) Transfer from Department of Pensions and Security	325,120

(71) Transfer from Physical Fitness Commission	485	
(72) Transfer from Board of Physical Therapy	81	
(73) Transfer from Board of Polygraph Examiners	81	
(74) Transfer from Public Library Service	4,812	
(75) Transfer from Department of Public Safety	91,742	
(76) Transfer from Public Service Commission	10,634	
(77) Transfer from Alabama Educational Television Commission	6,874	
(78) Transfer from Real Estate Commission	1,051	
(79) Transfer from Retirement Systems	8,653	
(80) Transfer from Department of Revenue	91,419	
(81) Transfer from Secretary of State	2,305	
(82) Transfer from Securities Commission	1,617	
(83) Transfer from Board of Social Work Examiners	81	
(84) Transfer from Soil and Water Conservation	364	
(85) Transfer from Surface Mining Commission	4,488	
(86) Transfer from Bureau of Tourism and Travel	5,539	
(87) Transfer from State Treasurer	3,760	
(88) Transfer from Department of Veterans' Affairs	4,933	
(89) Transfer from Department of Youth Services	29,839	
Total State Personnel Department	2,426,546	2,426,546
88. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		59,864
The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of $81.		

SOURCE OF FUNDS:		
(1) Physical Therapy Fund	59,864	
As provided in Section 34-24-195, Code of Alabama 1975.		
Total Board of Physical Therapy	59,864	59,864
89. POLYGRAPH EXAMINERS, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		39,000
The appropriation to the Board of Polygraph Examiners shall include a transfer to the State Personnel Department of $81.		
SOURCE OF FUNDS:		
(1) Board of Polygraph Examiners Fund	39,000	
As provided in Section 34-25-5, Code of Alabama 1975.		
Total Board of Polygraph Examiners	39,000	39,000
90. PROSECUTION SERVICES, OFFICE OF:		
(a) Prosecution, Training, Education and Management Program		570,747
SOURCE OF FUNDS:		
(1) Office of Prosecution Services Fund	570,747	
Total Office of Prosecution Services ...	570,747	570,747
91. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:		
(a) Professional and Occupational Licensing and Regulation Program		55,600
SOURCE OF FUNDS:		
(1) Board of Examiners in Psychology Fund	55,600	
As provided in Section 34-26-43, Code of Alabama 1975, as amended.		
Total Alabama Board of Examiners in Psychology	55,600	55,600
92. PUBLIC SAFETY, DEPARTMENT OF:		
(a) Traffic Control and Accident Prevention Program		20,359,354
(b) Criminal Investigation Program		4,129,365

(c) Driver's Licensing and Improvement Program			9,590,156
(d) Public Safety Support Services Program			6,253,748
(e) Administrative Services Program			2,796,831
(f) Alabama Criminal Justice Training Center Program			2,720,546
The appropriation to the Department of Public Safety shall include a transfer to the State Personnel Department of $91,742.			
SOURCE OF FUNDS:			
(1) State General Fund	45,850,000		
Total Department of Public Safety	45,850,000		45,850,000
93. PUBLIC SERVICE COMMISSION:			
(a) Regulatory Services Program			5,761,159
(b) Administrative Services Program			1,939,088
The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of $10,634.			
SOURCE OF FUNDS:			
(1) Public Service Commission Fund		6,857,220	
The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of $500,000 shall be transferred to the State General Fund.			
(2) Gas Pipeline Safety Fund		482,027	
(3) Federal and Miscellaneous Funds		361,000	
Total Public Service Commission		7,700,247	7,700,247
94. REAL ESTATE COMMISSION, ALABAMA:			
(a) Professional and Occupational Licensing and Regulation Program			1,036,980
The appropriation to the Alabama Real Estate Commission shall include a			

transfer to the State Personnel Department of $1,051.			
SOURCE OF FUNDS:			
(1) Alabama Real Estate Commission Fund		1,036,980	
As provided in Section 34-27-4, Code of Alabama 1975, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated.			
Total Alabama Real Estate Commission		1,036,980	1,036,980
95. REVENUE, DEPARTMENT OF:			
(a) State Revenue Administration Program			44,685,840
The appropriation to the Department of Revenue shall include a transfer to the State Personnel Department of $91,419.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	250,000		
As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.			
(2) State General Fund-Transfer-Boards of Equalization	130,992		
(3) Transfer from the gross proceeds of Cigarette Tax Collections		1,295,405	
As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975, as amended.			
(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections		219,104	
(5) Transfer from the proceeds of the Forest Severance Tax Collections		130,694	
(6) Transfer from the gross proceeds of Gasoline Tax Collections		3,836,244	
(7) Transfer from the Income Tax Collections		13,019,399	
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections		799,538	
(9) Transfer from the gross proceeds of Motor Vehicle License Collections		1,733,613	

(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax		530,463	
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax		1,306,937	
(12) Transfer from the gross proceeds of Sales Tax Collections		11,485,670	
(13) Transfer from the gross proceeds of the Tobacco Tax Collections		34,595	
(14) Transfer from the gross proceeds of Use Tax Collections		1,256,966	
(15) Transfer from the gross proceeds of the Utility Tax Collections		2,790,695	
As provided in Section 40-21-1, Code of Alabama 1975.			
(16) Local Funds		3,500,442	
(17) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		2,365,083	
The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.			
Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Department of Revenue	380,992	44,304,848	44,685,840
96. SECRETARY OF STATE:			
(a) Administrative Support Services Program			779,758
The appropriation to the Secretary of State shall include a transfer to the State Personnel Department of $2,305.			

SOURCE OF FUNDS:			
(1) State General Fund	779,758		
Total Secretary of State	779,758		779,758
97. SECURITIES COMMISSION:			
(a) Regulatory Services Program			898,328
The appropriation to the Securities Commission shall include a transfer to the State Personnel Department of $1,617.			
SOURCE OF FUNDS:			
(1) State General Fund	486,446		
(2) Industrial Development Bond Notification Fund		169,063	
(3) Sale of Checks License Fund		7,000	
(4) Exemption Fund		235,819	
Total Securities Commission	486,446	411,882	898,328
98. SENIOR CITIZENS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			23,875
To be expended in accordance with Sections 41-9-740 et seq., Code of Alabama 1975, as amended.			
SOURCE OF FUNDS:			
(1) State General Fund	23,875		
Total Alabama Senior Citizens Hall of Fame	23,875		23,875
99. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			52,857
The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of $81.			
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund		52,857	
As provided in Section 34-30-6, Code of Alabama 1975, (1983 Cum. Supp.).			

Total Alabama State Board of Social Work Examiners		52,857	52,857
100. SOIL AND WATER CONSERVATION COMMITTEE, STATE:			
(a) Water Resource Development Program			1,029,681
(b) Professional and Occupational Licensing and Regulation Program			3,000
The appropriation to the State Soil and Water Conservation Committee shall include a transfer to the State Personnel Department of $364.			
SOURCE OF FUNDS:			
(1) State General Fund	1,029,681		
(2) Soil Classifiers Fund		3,000	
As provided in Section 34-32-19, Code of Alabama 1975, as amended.			
Total State Soil and Water Conservation Committee	1,029,681	3,000	1,032,681
101. SOUTHERN GROWTH POLICIES BOARD:			
(a) Special Services Program			26,578
SOURCE OF FUNDS:			
(1) State General Fund	26,578		
Total Southern Growth Policies Board	26,578		26,578
102. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program			21,628
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund		21,628	
As provided in Section 34-28A-44, Code of Alabama 1975.			
Total Alabama Board of Examiners for Speech Pathology and Audiology		21,628	21,628
103. SPORTS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			66,850

SOURCE OF FUNDS:			
(1) State General Fund	66,850		
Total Alabama Sports Hall of Fame	66,850		66,850
104. SURFACE MINING COMMISSION, ALABAMA:			
(a) Industrial Safety and Accident Prevention Program			4,551,459
The appropriation to the Alabama Surface Mining Commission shall include a transfer to the State Personnel Department of $4,488.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	250,000		
(2) Surface Mining Commission Fund		4,301,459	
As provided by Section 9-16-103, Code of Alabama (1983 Cum. Supp.). All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Commission.			
Total Alabama Surface Mining Commission	250,000	4,301,459	4,551,459
105. TANNEHILL FURNACE AND FOUNDRY COMMISSION:			
(a) Historical Resources Management Program			618,190
SOURCE OF FUNDS:			
(1) State General Fund	208,190		
(2) Federal, Local and Miscellaneous Funds		410,000	
Total Tannehill Furnace and Foundry Commission	208,190	410,000	618,190
106. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			186,531
SOURCE OF FUNDS:			
(1) Federal, Local and Miscellaneous Funds		186,531	

Total Tennessee-Tombigbee Waterway Development Authority		186,531	186,531
107. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:			
(a) Promotional Development Program			352,955
To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975, as amended.			
SOURCE OF FUNDS:			
(1) State General Fund	71,625		
(2) Federal, Local and Miscellaneous Funds		281,330	
Total Tennessee Valley Exhibit Commission of Alabama	71,625	281,330	352,955
108. TOURISM AND TRAVEL, BUREAU OF:			
(a) Tourism and Travel Promotion Program			2,950,740
The appropriation to the Bureau of Tourism and Travel shall include a transfer to the State Personnel Department of $5,539.			
SOURCE OF FUNDS:			
(1) State General Fund - Transfer	618,172		
(2) Lodgings Tax ($0.01)		2,332,568	
Receipts collected under the provisions of Sections 40-26-1 et seq., Code of Alabama 1975, as amended.			
Total Bureau of Tourism and Travel	618,172	2,332,568	2,950,740
109. TREASURER, STATE:			
(a) Fiscal Management Program			1,448,353
The appropriation to the State Treasurer shall include a transfer to the State Personnel Department of $3,760.			
SOURCE OF FUNDS:			
(1) State General Fund	1,448,353		
Total State Treasurer	1,448,353		1,448,353
110. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:			
(a) Special Services Program, Estimated			4,775
SOURCE OF FUNDS:			
(1) State General Fund	4,775		

As provided in Section 41-9-374, Code of Alabama 1975.			
Total Alabama Commission on Uniform State Laws	4,775		4,775
111. VETERANS' AFFAIRS, DEPARTMENT OF:			
(a) Administration of Veterans' Affairs Program			2,728,149
The appropriation to the Department of Veterans' Affairs shall include a transfer to the State Personnel Department of $4,933.			
SOURCE OF FUNDS:			
(1) State General Fund	2,728,149		
Total Department of Veterans' Affairs	2,728,149		2,728,149
112. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			75,000
SOURCE OF FUNDS:			
(1) State Board of Veterinary Medical Examiners Fund		75,000	
As provided in Section 34-29-23 and Section 34-29-41, Code of Alabama 1975, as amended.			
Total Alabama State Board of Veterinary Medical Examiners		75,000	75,000
113. WOMEN'S COMMISSION, ALABAMA:			
(a) Employment and Social Opportunities Program			10,505
SOURCE OF FUNDS:			
(1) State General Fund	10,505		
Total Alabama Women's Commission	10,505		10,505
114. WOMEN'S HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			5,730
SOURCE OF FUNDS:			
(1) State General Fund	5,730		

Total Alabama Women's Hall of Fame	5,730	5,730
D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:		
1. ADVERTISING LANDS FOR TAX SALE:		
(a) State Revenue Administration Program, Estimated		60,000
SOURCE OF FUNDS:		
(1) State General Fund	60,000	
Total Advertising Lands for Tax Sale	60,000	60,000
2. ARREST OF ABSCONDING FELONS:		
(a) Criminal Investigation Program, Estimated		65,000
SOURCE OF FUNDS:		
(1) State General Fund	65,000	
Total Arrest of Absconding Felons	65,000	65,000
3. ATTORNEYS' FEES FOR REAPPORTIONMENT CASES:		
(a) Legal Advice and Legal Services Program, Estimated		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
Total Attorneys' Fees for Reapportionment Cases	50,000	50,000
4. AUTOMATIC APPEAL EXPENSE:		
(a) Legal Advice and Legal Services Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
As provided in Section 12-22-150 and Section 12-22-241, Code of Alabama 1975.		
Total Automatic Appeal Expense	100	100
5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENT APPEALS:		
(a) State Revenue Administration Program, Estimated		200

SOURCE OF FUNDS:		
(1) State General Fund	200	
Total Civil Court Costs in Connection with Ad Valorem Tax Assessment Appeals	200	200
6. CONSUMER UTILITY RATE HEARING:		
(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund - Transfer	250,000	
As provided in Section 37-1-18 Code of Alabama 1975, (1983 Cum. Supp.).		
Total Consumer Utility Rate Hearing	250,000	250,000
7. COURT-ASSESSED COSTS NOT OTHERWISE PROVIDED FOR:		
(a) Court-Assessed Costs Provided by Law for Which No Other Appropriations are Made - Special Services Program, Estimated		850,000
It is the intent of the Legislature that the above appropriation be expended only for costs assessed by state and federal courts and specifically excludes any attorney fees, court judgments or out-of-court settlements except those provided in Code of Alabama 1975, Section 22-52-14.		
(b) Court-Assessed Attorney Fees in Cases Where the State is a Defendant - Legal Advice and Legal Services Program		250,000
It is the intent of the Legislature that the above appropriation be released only at the direction of the Governor for statewide court cases.		
SOURCE OF FUNDS:		
(1) State General Fund, Estimated	850,000	
(2) State General Fund	250,000	
Total Court-Assessed Costs Not Otherwise Provided For	1,100,000	1,100,000
8. COURT COSTS-ACT NO. 558, 1957:		
(a) Court Operations Program, Estimated		500
SOURCE OF FUNDS:		
(1) State General Fund	500	
Pursuant to Act No. 558, 1957, page 777.		

Total Court Costs-Act No. 558, 1957	500	500
9. DISTRIBUTION OF PUBLIC DOCUMENTS:		
(a) Administrative Support Services Program, Estimated		80,000
SOURCE OF FUNDS:		
(1) State General Fund	80,000	
Total Distribution of Public Documents	80,000	80,000
10. STATE DOCKS TRANSFER		3,500,000
SOURCE OF FUNDS:		
(1) State General Fund - Transfer	3,500,000	
The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.		
Total State Docks Transfer	3,500,000	3,500,000
11. ELECTION EXPENSES:		
(a) Special Services Program, Estimated		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
Total Election Expenses	1,000,000	1,000,000
In addition to the above appropriation for Election Expenses, there is hereby appropriated $1,000,000 to be conditioned on the availability of funds in the State General Fund and the approval of the Governor.		
12. EMERGENCY FUND, DEPARTMENTAL:		
(a) Special Services Program		1,305,160
SOURCE OF FUNDS:		
(1) State General Fund	1,305,160	
(This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)		

Total Departmental Emergency Fund	1,305,160	1,305,160
13. FEEDING OF PRISONERS:		
(a) Institutional Services - Corrections Program, Estimated		3,500,000
SOURCE OF FUNDS:		
(1) State General Fund	3,500,000	
For expenses of feeding prisoners in county jails.		
Total Feeding of Prisoners	3,500,000	3,500,000
14. DEPARTMENT OF FINANCE-CAPITAL OUTLAY:		
(a) Special Services Program, Estimated		500,000
For capital outlay, renovation, and Capitol moving.		
SOURCE OF FUNDS:		
(1) State General Fund - Capital Outlay, Estimated	500,000	
Total Department of Finance-Capital Outlay	500,000	500,000
15. FINANCE DIRECTOR - RENT - STATE HOUSE:		
(a) Fiscal Management Program, Estimated		100,000
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
Total Finance Director - Rent - State House	100,000	100,000
The above appropriation to the Finance Director - Rent - State House is to be expended by agencies for rent.		
16. DEPARTMENT OF FINANCE-EMPLOYEES' SUGGESTION AWARDS PROGRAM:		
(a) Fiscal Management Program		10,000
In accordance with Section 36-1-7, Code of Alabama 1975, as amended.		
SOURCE OF FUNDS:		
(1) State General Fund	10,000	

Total Department of Finance - Employees' Suggestion Awards Program	10,000	10,000
17. DEPARTMENT OF FINANCE-FEMA:		
(a) Readiness and Recovery Program, Estimated		1,866,090
Payments of the State's share of administration costs and matching grants furnished by the Federal Emergency Management Agency.		
SOURCE OF FUNDS:		
(1) State General Fund	1,866,090	
Total Department of Finance-FEMA	1,866,090	1,866,090
18. DEPARTMENT OF FINANCE-TELEPHONE REVOLVING FUND:		2,400,000
SOURCE OF FUNDS:		
(1) State General Fund - Transfer	2,400,000	
Total Department of Finance - Telephone Revolving Fund	2,400,000	2,400,000
19. FOREST FIRE FUND, EMERGENCY:		
(a) Forest Resource Protection Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund - Transfer	180,000	
As provided by Section 9-3-10.1, Code of Alabama 1975.		
Total Emergency Forest Fire Fund	180,000	180,000
20. GOVERNOR'S CONFERENCE, NATIONAL:		
(a) Executive Direction Program		90,900
SOURCE OF FUNDS:		
(1) State General Fund	90,900	
Total National Governor's Conference	90,900	90,900
21. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program, Estimated		26,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000	

As provided in Section 36-13-13, Code of Alabama 1975 (1983 Cum. Supp.).		
Total Governor's Councillor	26,000	26,000
22. GOVERNOR'S PROCLAMATION EXPENSE:		
(a) Executive Direction Program, Estimated		250,000
SOURCE OF FUNDS:		
(1) State General Fund	250,000	
Total Governor's Proclamation Expense	250,000	250,000
23. GOVERNOR'S WIDOWS RETIREMENT:		
(a) Executive Direction Program, Estimated		14,400
SOURCE OF FUNDS:		
(1) State General Fund	14,400	
Total Governor's Widows Retirement	14,400	14,400
24. INTERPRETER'S ACCOUNT:		
(a) Court Operations Program, Estimated		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
As provided in Sections 12-21-131 et seq., Code of Alabama 1975.		
Total Interpreter's Account	2,500	2,500
25. LAW ENFORCEMENT FUND:		
(a) Criminal Investigation Program, Estimated		1,000
SOURCE OF FUNDS:		
(1) State General Fund - Transfer	1,000	
Total Law Enforcement Fund	1,000	1,000
26. LAW ENFORCEMENT LEGAL DEFENSE:		
(a) Legal Advice and Legal Services Program, Estimated		3,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000	
To carry out provisions of Section 36-21-1, Code of Alabama 1975.		

Total Law Enforcement Legal Defense	3,000	3,000
27. LIABILITY INSURANCE FUND, STATE		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund - Transfer	1,000,000	
Total State Liability Insurance Fund	1,000,000	1,000,000
Of the above appropriation $40,000 is hereby appropriated to the Liability Insurance Board for administrative expenses.		
28. MAILING TAX NOTICES:		
(a) State Revenue Administration Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
Total Mailing Tax Notices	100	100
29. POLICEMAN'S SURVIVOR TUITION ACT:		
(a) Support of Other Educational Activities Program, Estimated		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Policeman's Survivor Tuition Act	5,000	5,000
30. PRESIDENTIAL ELECTORAL EXPENSE:		
(a) Administrative Support Services Program, Estimated		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
Total Presidential Electoral Expense	2,000	2,000
31. PRINTING OF CODE SUPPLEMENT - LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	

Total Printing of Code Supplement - Legislative Reference Service	500,000	500,000
32. PRINTING CODES AND SUPPLEMENTS - SECRETARY OF STATE:		
(a) Administrative Support Services Program, Estimated		280,000
SOURCE OF FUNDS:		
(1) State General Fund	280,000	
Total Printing Codes and Supplements - Secretary of State	280,000	280,000
33. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
Total Printing of Legislative Acts and Journals	500,000	500,000
34. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses	25,000	25,000
35. PUBLIC DEFENDER:		
(a) Court Operations Program, Estimated		60,700
SOURCE OF FUNDS:		
(1) State General Fund	60,700	
For salary of Public Defender for the 21st Judicial Circuit, as provided by Section 15-12-43, Code of Alabama 1975.		
Total Public Defender	60,700	60,700
36. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,500,000
SOURCE OF FUNDS:		
(1) State General Fund	1,500,000	
In accordance with Sections 17-4-126 and 17-4-153, Code of Alabama 1975, as amended.		
Total Registration of Voters	1,500,000	1,500,000

37. REMOVAL OF PRISONERS:			
(a) Administrative Services and Logistical Support Program, Estimated			300,000
SOURCE OF FUNDS:			
(1) State General Fund	300,000		
Total Removal of Prisoners	300,000		300,000
38. SOCIAL SECURITY - COUNTY JUDICIAL:			
(a) Fringe Benefit Program, Estimated			300,000
SOURCE OF FUNDS:			
(1) State General Fund	300,000		
Total Social Security-County Judicial	300,000		300,000
39. STATE GENERAL FUND, ESTIMATED			61,500,000
SOURCE OF FUNDS:			
(1) Heritage Trust Income Fund Transfer, Estimated		61,500,000	
All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.			
Total State General Fund, Estimated		61,500,000	61,500,000
40. STATE TREASURER - PREVIOUS YEAR'S UNPAID WARRANTS:			
(a) Special Services Program, Estimated			200,000
SOURCE OF FUNDS:			
(1) State General Fund	200,000		
Total State Treasurer-Previous Year's Unpaid Warrants	200,000		200,000
E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:			
1. AMOS ALONZO STAGG BOWL:			
(a) Tourism and Travel Promotion Program			5,000

SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Amos Alonzo Stagg Bowl	5,000	5,000
2. ANNISTON SUBREGIONAL LIBRARY FOR THE BLIND AND HANDICAPPED:		
(a) Public Library Services Program		2,250
SOURCE OF FUNDS:		
(1) State General Fund	2,250	
Total Anniston Subregional Library for the Blind and Handicapped	2,250	2,250
3. APPALACHIAN REGIONAL COMMISSION:		
(a) Planning Program		94,985
SOURCE OF FUNDS:		
(1) State General Fund	94,985	
Total Appalachian Regional Commission	94,985	94,985
4. ARMED FORCES DAY IN ALABAMA:		
(a) Historical Resources Management Program		418
SOURCE OF FUNDS:		
(1) State General Fund	418	
Total Armed Forces Day in Alabama	418	418
5. ARMY AVIATION MUSEUM FOUNDATION, INC.:		
(a) Historical Resources Management Program		37,500
SOURCE OF FUNDS:		
(1) State General Fund	37,500	
Total Army Aviation Museum Foundation, Inc.	37,500	37,500
6. ARTS HALL OF FAME, ALABAMA:		
(a) Fine Arts Program		2,250
SOURCE OF FUNDS:		
(1) State General Fund	2,250	
Total Alabama Arts Hall of Fame	2,250	2,250
7. AZALEA TRAIL FESTIVAL, MOBILE:		
(a) Tourism and Travel Promotion Program		778

SOURCE OF FUNDS:		
(1) State General Fund	778	
Total Mobile Azalea Trail Festival	778	778
8. BALDWIN HERITAGE MUSEUM ASSOCIATION, INC.:		
(a) Historical Resources Management Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Baldwin Heritage Museum Association, Inc.	7,500	7,500
9. BAYOU LA BATRE SEAFOOD FESTIVAL:		
(a) Tourism and Travel Promotion Program		500
SOURCE OF FUNDS:		
(1) State General Fund	500	
Total Bayou La Batre Seafood Festival	500	500
10. BEACON HOUSE - JASPER:		
(a) Social Services Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Beacon House-Jasper	25,000	25,000
11. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:		
(a) Water Resource Development Program		700
SOURCE OF FUNDS:		
(1) State General Fund	700	
Total Big Nance Creek Water Management District	700	700
12. BIRMINGHAM CHAMBER MUSIC SOCIETY:		
(a) Fine Arts Program		778
SOURCE OF FUNDS:		
(1) State General Fund	778	
Total Birmingham Chamber Music Society	778	778
13. BIRMINGHAM FESTIVAL OF ARTS:		
(a) Fine Arts Program		7,615

SOURCE OF FUNDS:		
(1) State General Fund	7,615	
Total Birmingham Festival of Arts	7,615	7,615
14. BIRMINGHAM INTERNATIONAL EDUCATIONAL FILM FESTIVAL:		
(a) Fine Arts Program		3,750
SOURCE OF FUNDS:		
(1) State General Fund	3,750	
Total Birmingham International Educational Film Festival	3,750	3,750
15. BLOUNT COUNTY-ONEONTA AGRI-BUSINESS ASSOCIATION-FARMERS' MARKET:		
(a) Agricultural Development Services Program		12,500
SOURCE OF FUNDS:		
(1) State General Fund	12,500	
Total Blount County-Oneonta Agri-Business Association-Farmers' Market	12,500	12,500
16. BLUE AND GRAY ASSOCIATION:		
(a) Tourism and Travel Promotion Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Blue and Gray Association	5,000	5,000
17. BLUEBERRY FESTIVAL - BREWTON, ALABAMA:		
(a) Tourism and Travel Promotion Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Alabama Blueberry Festival-Brewton	5,000	5,000
18. BRIERFIELD IRONWORKS PARKS:		
(a) Outdoor Recreation Sites and Services Program		25,000

SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Brierfield Ironworks Park	25,000	25,000
19. BUCK CREEK WATERSHED:		
(a) Water Resource Development Program		12,500
SOURCE OF FUNDS:		
(1) State General Fund	12,500	
Total Buck Creek Watershed	12,500	12,500
20. CHILTON COUNTY HISTORICAL SOCIETY:		
(a) Historical Resources Management Program		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total Chilton County Historical Society	2,500	2,500
21. CHILTON COUNTY PEACH FESTIVAL:		
(a) Tourism and Travel Promotion Program		5,625
SOURCE OF FUNDS:		
(1) State General Fund	5,625	
Total Chilton County Peach Festival	5,625	5,625
22. CHOCCOLOCCO CREEK WATERSHED ASSOCIATION:		
(a) Water Resource Development Program		1,092
SOURCE OF FUNDS:		
(1) State General Fund	1,092	
Total Choccolocco Creek Watershed Association	1,092	1,092
23. CITRONELLE OIL BOWL:		
(a) Tourism and Travel Promotion Program		250
SOURCE OF FUNDS:		
(1) State General Fund	250	
Total Citronelle Oil Bowl	250	250
24. CIVIL AIR PATROL:		
(a) Readiness and Recovery Program		40,000
The appropriation to the Civil Air Patrol shall include a transfer to the State Personnel Department of $81.		

SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Civil Air Patrol	40,000	40,000
25. CLAY COUNTY BLUEBERRY FESTIVAL:		
(a) Tourism and Travel Promotion Program		1,013
SOURCE OF FUNDS:		
(1) State General Fund	1,013	
Total Clay County Blueberry Festival	1,013	1,013
26. CLAYBANK JAMBOREE:		
(a) Tourism and Travel Promotion Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Claybank Jamboree	7,500	7,500
27. CLIO CHITTLIN JAMBOREE:		
(a) Tourism and Travel Promotion Program		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total Clio Chittlin Jamboree	2,500	2,500
28. COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION:		
(a) Water Resource Development Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total Coosa-Alabama River Improvement Association	15,000	15,000
29. COOSA RIVER ACTION COUNCIL-GADSDEN:		
(a) Water Resource Development Program		3,111
SOURCE OF FUNDS:		
(1) State General Fund	3,111	
Total Coosa River Action Council-Gadsden	3,111	3,111
30. CULTURE IN BLACK AND WHITE:		
(a) Historical Resources Management Program		750

SOURCE OF FUNDS:		
(1) State General Fund	750	
Total Culture in Black and White	750	750
31. DEEP SEA FISHING RODEO, ALABAMA:		
(a) Tourism and Travel Promotion Program		468
SOURCE OF FUNDS:		
(1) State General Fund	468	
Total Alabama Deep Sea Fishing Rodeo	468	468
32. DORSE RECREATIONAL AND EDUCATIONAL CENTER, MARY E.:		
(a) Special Services Program		1,819
SOURCE OF FUNDS:		
(1) State General Fund	1,819	
Total Mary E. Dorse Recreational and Educational Center	1,819	1,819
33. DOTHAN LANDMARKS FOUNDATION, INC.:		
(a) Historical Resources Management Program		15,313
SOURCE OF FUNDS:		
(1) State General Fund	15,313	
Total Dothan Landmarks Foundation, Inc.	15,313	15,313
34. DYNNE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		700
SOURCE OF FUNDS:		
(1) State General Fund	700	
Total Dynne Creek Watershed Conservancy District	700	700
35. ELYTON RECOVERY CENTER:		
(a) Community Services Program		37,500

SOURCE OF FUNDS:		
(1) State General Fund	37,500	
Total Elyton Recovery Center	37,500	37,500
36. ENERGY BOARD, SOUTHERN STATES:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program		10,268
SOURCE OF FUNDS:		
(1) State General Fund	10,268	
Total Southern States Energy Board	10,268	10,268
37. EXPLORE CENTER, INC.:		
(a) Educational Museum Services Program		10,500
SOURCE OF FUNDS:		
(1) State General Fund	10,500	
Total Explore Center, Inc.	10,500	10,500
38. FINANCE, DEPARTMENT OF - RETIRED SENIOR VOLUNTEER PROGRAM:		
(a) Special Services Program		157,825
The above appropriation to the Retired Senior Volunteer Program shall be distributed in the following manner: $17,332 to the foster Grandparent and Senior Companions Programs and $140,493 to the Retired Senior Volunteer Programs.		
SOURCE OF FUNDS:		
(1) State General Fund	157,825	
Total Retired Senior Volunteer Program-Department of Finance	157,825	157,825
39. FOREST FESTIVAL, ALABAMA:		
(a) Executive Administration Program		2,305
SOURCE OF FUNDS:		
(1) State General Fund	2,305	
Total Alabama Forest Festival	2,305	2,305
40. GENEVA COUNTY TOMATO FESTIVAL:		
(a) Tourism and Travel Promotion Program		2,500

SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total Geneva County Tomato Festival	2,500	2,500
41. GEORGE LINDSEY CELEBRITY BENEFIT, INC.:		
(a) Tourism and Travel Promotion Program		3,750
SOURCE OF FUNDS:		
(1) State General Fund	3,750	
Total George Lindsey Celebrity Benefit, Inc.	3,750	3,750
42. GULF SHORES TOURIST ASSOCIATION:		
(a) Tourism and Travel Promotion Program		4,750
SOURCE OF FUNDS:		
(1) State General Fund	4,750	
Total Gulf Shores Tourist Association	4,750	4,750
43. GUNTERSVILLE BOAT RACES:		
(a) Tourism and Travel Promotion Program		5,534
SOURCE OF FUNDS:		
(1) State General Fund	5,534	
Total Guntersville Boat Races	5,534	5,534
44. HANK WILLIAMS MEMORIAL ASSOCIATION-GEORGIANA:		
(a) Historical Resources Management Program		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
Total Hank Williams Memorial Association-Georgiana	1,000	1,000
45. HANK WILLIAMS, JIM OWEN SALUTES:		
(a) Historical Resources Management Program		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	

Total Jim Owen Salutes Hank Williams	1,000	1,000
46. HELEN KELLER PROPERTY BOARD:		
(a) Historical Resources Management Program		17,500
Of the above appropriation, not more than $10,000 shall be allocated to the Helen Keller Festival.		
SOURCE OF FUNDS:		
(1) State General Fund	17,500	
Total Helen Keller Property Board	17,500	17,500
47. HIGH TECHNOLOGY ECONOMIC DEVELOPMENT FOUNDATION, INC.:		
(a) Industrial Development Program		12,500
SOURCE OF FUNDS:		
(1) State General Fund	12,500	
Total High Technology Economic Development Foundation, Inc.	12,500	12,500
48. INTERSTATE MINING COMMISSION:		
(a) Planning Program		4,398
SOURCE OF FUNDS:		
(1) State General Fund	4,398	
Total Interstate Mining Commission	4,398	4,398
49. JESSE OWENS MEMORIAL PARK:		
(a) Historical Resources Management Program		6,000
SOURCE OF FUNDS:		
(1) State General Fund	6,000	
Total Jesse Owens Memorial Park	6,000	6,000
50. JUNIOR MISS PAGEANT, INC., ALABAMA'S:		
(a) Tourism and Travel Promotion Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	

Total Alabama's Junior Miss Pageant, Inc.	5,000	5,000
51. JUNIOR MISS PAGEANT, INC., AMERICA'S:		
(a) Tourism and Travel Promotion Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total America's Junior Miss Pageant, Inc.	25,000	25,000
52. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		700
SOURCE OF FUNDS:		
(1) State General Fund	700	
Total Ketchepedrakee Creek Watershed Conservancy District	700	700
53. LAKE EUFAULA SUMMER SPECTACULAR:		
(a) Tourism and Travel Promotion Program		2,801
SOURCE OF FUNDS:		
(1) State General Fund	2,801	
Total Lake Eufaula Summer Spectacular	2,801	2,801
54. LEE COUNTY HISTORICAL SOCIETY AND MUSEUM:		
(a) Historical Resources Management Program		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total Lee County Historical Society and Museum	2,500	2,500
55. MALLARD FOX CREEK PORT AND INDUSTRIAL PARK:		
(a) Industrial Development Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund-Capital Outlay	250,000	

Total Mallard Fox Creek Port and Industrial Park	250,000	250,000
56. MINING MUSEUM, ALABAMA:		
(a) Historical Resources Management Program		12,500
SOURCE OF FUNDS:		
(1) State General Fund	12,500	
Total Alabama Mining Museum	12,500	12,500
57. MOBILE AREA MARDI GRAS ASSOCIATION:		
(a) Tourism and Travel Promotion Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Mobile Area Mardi Gras Association	1,400	1,400
58. MOBILE CARNIVAL ASSOCIATION:		
(a) Tourism and Travel Promotion Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Mobile Carnival Association	1,400	1,400
59. MOUNTAIN LAKES TOURIST ASSOCIATION:		
(a) Tourism and Travel Promotion Program		12,500
SOURCE OF FUNDS:		
(1) State General Fund	12,500	
Total Mountain Lakes Tourist Association	12,500	12,500
60. NOCCALULA FALLS:		
(a) Tourism and Travel Promotion Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Noccalulu Falls	5,000	5,000
61. OKTOBERFEST, INC. IN CULLMAN COUNTY:		
(a) Tourism and Travel Promotion Program		2,500

SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total Oktoberfest, Inc. in Cullman County	2,500	2,500
62. PARENTS ANONYMOUS OF ALABAMA:		
(a) Social Services Program		37,500
SOURCE OF FUNDS:		
(1) State General Fund	37,500	
Total Parents Anonymous of Alabama	37,500	37,500
63. PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY:		
(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Pea River Historical and Genealogical Society	5,000	5,000
64. PEA RIVER WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		5,700
SOURCE OF FUNDS:		
(1) State General Fund	5,700	
Total Pea River Watershed Conservancy District	5,700	5,700
65. PEANUT FESTIVAL ASSOCIATION, INC., NATIONAL:		
(a) Tourism and Travel Promotion Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total National Peanut Festival Association, Inc.	7,500	7,500
66. PIKE COUNTY PIONEER MUSEUM ASSOCIATION:		
(a) Historical Resources Management Program		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	

Total Pike County Pioneer Museum Association	2,500	2,500
67. POP WARNER NATIONAL ACADEMIC/FOOTBALL CHAMPIONSHIP BOWL:		
(a) Tourism and Travel Promotion Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Pop Warner National Academic/ Football Championship Bowl	7,500	7,500
68. RIVERBOAT COMMISSION, INC., MONTGOMERY:		
(a) Tourism and Travel Promotion Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Montgomery Riverboat Commission, Inc.	7,500	7,500
69. RODEO ASSOCIATION, ALABAMA HIGH SCHOOL:		
(a) Tourism and Travel Promotion Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Alabama High School Rodeo Association	5,000	5,000
70. SENIOR BOWL-MOBILE:		
(a) Tourism and Travel Promotion Program		20,000
SOURCE OF FUNDS:		
(1) State General Fund	20,000	
Total Senior Bowl Mobile	20,000	20,000
71. SHELBY COUNTY HISTORICAL ASSOCIATION:		
(a) Historical Resources Management Program		4,375
SOURCE OF FUNDS:		
(1) State General Fund	4,375	

Total Shelby County Historical Association	4,375	4,375
72. SICKLE CELL EDUCATION PROGRAM:		
(a) Jefferson County Sickle Cell/Detection Committee, Inc.		137,000
(b) Sickle Cell Disease Association of Gulf Coast, Alabama		94,750
(c) Sickle Cell Foundation of Greater Montgomery, Inc.		40,750
(d) Southeast Alabama Sickle Cell Association		87,500
(e) West Alabama Sickle Cell Foundation		3,750
SOURCE OF FUNDS:		
(1) State General Fund	363,750	
Total Sickle Cell Education Program	363,750	363,750
73. SIMPSON-MAY CEREBRAL PALSY CENTER:		
(a) Financial Assistance Program		17,500
SOURCE OF FUNDS:		
(1) State General Fund	17,500	
Total Simpson-May Cerebral Palsy Center	17,500	17,500
74. SOUTHERN CENTER FOR INTERNATIONAL STUDIES:		
(a) Special Services Program		9,375
SOURCE OF FUNDS:		
(1) State General Fund	9,375	
Total Southern Center for International Studies	9,375	9,375
75. SOUTHERN CHAMPIONSHIP CHARITY HORSE SHOW:		
(a) Tourism and Travel Promotion Program		1,555
SOURCE OF FUNDS:		
(1) State General Fund	1,555	
Total Southern Championship Charity Horse Show	1,555	1,555
76. ALABAMA SPORTS FESTIVAL:		
(a) Tourism and Travel Promotion Program		15,500

SOURCE OF FUNDS:		
(1) State General Fund	15,500	
Total Alabama Sports Festival	15,500	15,500
77. ST. CLAIR COUNTY HISTORICAL SOCIETY:		
(a) Historical Resources Management Program		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total St. Clair County Historical Society	2,500	2,500
78. STEER SHOW ASSOCIATION, ALABAMA STATE:		
(a) Agricultural Development Services Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Alabama State Steer Show Association	7,500	7,500
79. STETSON HOEDOWN:		
(a) Tourism and Travel Promotion Program		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total Stetson Hoedown	2,500	2,500
80. TALLACOOSA HIGHLAND LAKES ASSOCIATION:		
(a) Tourism and Travel Promotion Program		2,801
SOURCE OF FUNDS:		
(1) State General Fund	2,801	
Total Tallacoosa Highland Lakes Association	2,801	2,801
81. TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		619
SOURCE OF FUNDS:		
(1) State General Fund	619	

Total Tallasseehatchie Creek Watershed Conservancy District	619	619
82. TENNESSEE RIVER VALLEY ASSOCIATION:		
(a) Water Resource Development Program		4,354
SOURCE OF FUNDS:		
(1) State General Fund	4,354	
Total Tennessee River Valley Association	4,354	4,354
83. TENNESSEE VALLEY PUBLICITY AND IMPROVEMENT ASSOCIATION:		
(a) Tourism and Travel Promotion Program		12,441
SOURCE OF FUNDS:		
(1) State General Fund	12,441	
Total Tennessee Valley Publicity and Improvement Association	12,441	12,441
84. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		700
SOURCE OF FUNDS:		
(1) State General Fund	700	
Total Terrapin Creek Watershed Conservancy District	700	700
85. TRAVEL COUNCIL, ALABAMA:		
(a) Tourism and Travel Promotion Program		20,000
SOURCE OF FUNDS:		
(1) State General Fund	20,000	
Total Alabama Travel Council	20,000	20,000
86. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:		
(a) Water Resource Development Program		8,397
SOURCE OF FUNDS:		
(1) State General Fund	8,397	

Total Tri-Rivers Waterway Development Association	8,397	8,397
87. VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:		
(a) Tourism and Travel Promotion Program		750
SOURCE OF FUNDS:		
(1) State General Fund	750	
Total Vestavia Hills Dogwood Festival and Trail	750	750
88. VETERANS DAY COMMITTEE, NATIONAL:		
(a) Historical Resources Management Program		2,179
SOURCE OF FUNDS:		
(1) State General Fund	2,179	
Total National Veterans Day Committee	2,179	2,179
89. VETERANS DAY COMMITTEE, ALABAMA:		
(a) Historical Resources Management Program		622
SOURCE OF FUNDS:		
(1) State General Fund	622	
Total Alabama Veterans Day Committee	622	622
90. W. C. HANDY PROPERTY BOARD:		
(a) Historical Resources Management Program		12,500
SOURCE OF FUNDS:		
(1) State General Fund	12,500	
Total W. C. Handy Property Board	12,500	12,500
91. WILKERSON CREEK WATERSHED DISTRICT:		
(a) Water Resource Development Program		1,500
SOURCE OF FUNDS:		
(1) State General Fund	1,500	

Total Wilkerson Creek Watershed District	1,500	1,500
92. Y.M.C.A. - CLEVELAND AVENUE BRANCH:		
(a) Financial Assistance Program		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total Y.M.C.A. - Cleveland Avenue Branch	2,500	2,500
93. Y.M.C.A. YOUTH LEGISLATURE:		
(a) Special Services Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Y.M.C.A. Youth Legislature	7,500	7,500
F. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:		
1. General Obligation Capital Improvement Bonds, Series B, Estimated		982,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	982,500	
Total General Obligation Capital Improvement Bonds, Series B, Estimated	982,500	982,500
2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated		1,020,400
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,020,400	
Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated	1,020,400	1,020,400
3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,312,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	4,312,500	
Total General Obligation Docks Facilities Bonds, Series A-C, Estimated	4,312,500	4,312,500
4. Inland Waterway Improvement Bonds, Series A, Estimated		177,953

SOURCE OF FUNDS:		
(1) State General Fund-Transfer	177,953	
Total Inland Waterway Improvement Bonds, Series A, Estimated	177,953	177,953
5. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		3,631,073
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	3,631,073	
Pursuant to Constitutional Amendment No. 270 as provided in Act No. 248, 1967 Regular Session.		
Total Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated	3,631,073	3,631,073
6. Corrections Institution Bonds, Estimated		1,962,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	1,962,000	
Pursuant to Constitutional Amendment No. 374 as provided in Act No. 134, 1978 Second Special Session.		
Total Corrections Institution Bonds, Estimated	1,962,000	1,962,000
7. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B Estimated		66,663,662
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	66,663,662	
Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B Estimated	66,663,662	66,663,662

SECTION 3: That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama

Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, as amended, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 9. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 10. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment

and business opportunities for all citizens of this state without regard to sex or race.

SECTION 11. That this Act shall become effective October 1, 1986.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 247. Relating to Morgan County; providing further for the expense allowances of the chairman and the members of the county commission; and repealing conflicting laws.

Also:

H. 315. Relating to Clay County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Also:

H. 600. Relating to Chambers County; to require the installation and maintenance of an improved system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate; to provide the collection and disposition of a special indexing fee; and to provide that said system shall constitute official and permanent records in Chambers County.

Also:

H. 617. Relating to Lowndes County; providing for a chief clerk and clerk for the probate judge; and prescribing the duties and setting the salaries for such clerks; providing for the hiring of a part-time clerk; repealing Act No. 119, H. 115, of the 1978 Special Session (Acts 1978, p. 1835), Act No.

316, H. 719, of the 1939 Regular Session (Acts 1939, p. 205) and Act No. 40, H. 215 of the 1951 Regular Session (Acts 1951, p. 248).

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 628. To alter, rearrange and extend the boundary lines and corporate limits of the City of Cullman, in Cullman County.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 537. To authorize the city council of any Class 5 municipality with a city manager, mayor commission form of government to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and to authorize the city councils to provide by ordinance for the appointment of such commission.

JIMMY CLARK,
Chairman.

And the bill, H. 537, as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. B. 783. Relating to Mobile County; establishing a race track regulating authority for motor cross racing or stock car racing or horse racing in Mobile County.

JIMMY CLARK,
Chairman.

And the bill, H. 783, as engrossed, was sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 628. To alter, rearrange and extend the boundary lines and corporate limits of the City of Cullman, in Cullman County.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 166 RESUMED

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 166 as amended:

Amend H. B. 166 as substituted on page 45 by deleting lines 22-29 in their entirety.

Further amend H. B. 166 as substituted on page 44, line 33 by deleting the figure "12,660,366" and inserting in lieu thereof the figure "14,102,866".

Further amend H. B. 166 as substituted on page 45, lines 13 and 21 by deleting the figure "10,127,500" and inserting in lieu thereof the figure "11,570,000".

Further amend H. B. 166 as substituted on page 45, line 21 by deleting the figure "18,203,000" and inserting in lieu thereof the figure "19,645,500".

MOTION TO TABLE LOST

The motion offered by Rep. Coburn to table the amendment offered by Rep. Turner to the bill, H. 166 as amended, was lost.

Yeas 32; Nays 51.

Yeas:

Mr. Speaker, Albright, Beasley, Beers, Boles, Brakefield, Brooks, Campbell, Carothers, Coburn, Davis, Flowers, Grayson, Hettinger, Holmes, Johnson (RG),

Johnson (RW), Lauderdale, Lindsey, McDowell, Newton, Perdue, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Tanner, Trammell, Turnham and White (G).

—32

Nays:

Reps. Black, Blake, Bowling, Box, Britnell, Browder, Burke, Buskey (JE), Clark (D), Coleman, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Holley, Hooper, Junkins, Kennedy, Kvalheim, Laird, Mathis, McKee, McMillan, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Reed, Rice, Smith, Starr, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—51

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Turner to the bill, H. 166 as amended, and the amendment was adopted.

Yeas 65; Nays 19.

Yeas:

Reps. Adams, Albright, Beasley, Biddle, Black, Bowling, Box, Britnell, Browder, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Preuitt, Reed, Rice, Sasser, Smith, Starr, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—65

Nays:

Mr. Speaker, Beers, Blake, Boles, Brakefield, Brooks, Campbell, Clark (W), Coburn, Hall, Hettinger, Lindsey, Rains, Richardson, Seibels, Starkey, Tanner, Trammell and White (G).

—19

AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, H. 166 as amended:

To amend the Substitute to H. B. 166 on page 44 after line 18 by inserting the following:

"In addition to the above appropriation to the Department of Forensic Sciences there is hereby appropriated $930,000 conditioned on the availability of funds and the approval of the Governor."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 8.

Yeas:

Reps. Adams, Beasley, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Burke, Butler, Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Escott, Faulk, Gaston, Goodwin, Grouby, Hammett, Harper, Holley, Hooper, Johnson (RG), Johnson (RW), Laird, Mathis, McMillan, Melton, Mikell, Mitchell, Newman, Nicholson, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Sasser, Smith, Starkey, Tanner, Venable, Warren, White (F) and White (L).

—52

Nays:

Mr. Speaker, Albright, Bachus, Blake, Clark (W), Dutton, Lauderdale and Onderdonk.

—8

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Hall inadvertently voted "Nay" on the amendment offered by Rep. Turner to the bill, H. 166 as amended, and intended to vote "Yea".

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 166 as amended:

Amend House Bill 166 as substituted on page 34 line 31 by striking the figure "235,018" and inserting in lieu thereof the figure "252,018".

Further amend on page 35 line 34 by striking the figure "285,978" and inserting in lieu thereof the figure "308,478".

Further amend on page 36 line 16 by striking the figure "141,927" and inserting in lieu thereof the figure "153,927".

Further amend on page 36 line 19 by striking the figure "167,947" and inserting in lieu thereof the figure "190,447".

Further amend on page 36 line 22 by striking the figure "175,514" and inserting in lieu thereof the figure "210,514".

Further amend on page 36 line 31 by striking the figure "131,362" and inserting in lieu thereof the figure "147,362".

Further amend on page 36 line 34 by striking the figure "125,798" and inserting in lieu thereof the figure "145,798".

Further amend on page 33 line 6 and on page 37 lines 31 and 32 by striking the figure "10,374,558" and inserting in lieu thereof the figure "10,519,558".

Further amend on page 27 line 30 by striking the figure "95,463,909" and inserting in lieu thereof the figure "95,318,909".

Further amend on page 28 line 10 by striking the figure "104,043,300" and inserting in lieu thereof the figure "103,898,300".

Further amend on page 28 line 30 by striking the figures "104,043,300" and "116,984,759" and inserting in lieu thereof the figures "103,898,300" and "116,839,759" respectively.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 7.

Yeas:

Mr. Speaker, Albright, Bachus, Beasley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Coburn, Coleman, Cosby, Davis, Faulk, Flowers, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Tanner, Trammell, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—79

Nays:

Reps. Beers, Clark (W), Dutton, Junkins, Mikell, Starr and White (F).

—7

AMENDMENT OFFERED

Rep. Butler offered the following amendment to the bill, H. 166 as amended:

Amend House Bill 166 on page 27 after line 30 by inserting the following:

"(Of the above appropriation, at least $100,000 shall be expended at the Limestone Correctional Facility to update or improve the telephone system; to purchase spare parts for, to maintain, or improve the microwave security system; to update or improve security equipment, or to otherwise improve security at the facility.)"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 4.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Mathis, McKee, McMillan, Melton, Mikell, Moore, Newman, Newton, Onderdonk, Parker, Penry, Pratt, Rains,

Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Turner, White (L) and Zoghby.

—70

Nays: Reps. Dutton, Poole, Starr and White (F). —4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 62. To provide for criminal penalties and civil liability for the theft of certain cable television services, and to provide for the confiscation of certain equipment used in the theft of any such cable television services.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 62. To provide for criminal penalties and civil liability for the theft of certain cable television services, and to provide for the confiscation of certain equipment used in the theft of any such cable television services.

And finds same correctly enrolled.

JIMMY CLARK,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 166 RESUMED

AMENDMENT OFFERED

Rep. Johnson (RW) offered the following amendment to the bill, H. 166 as amended:

Amend House Bill 166 as substituted on page 68, after line 12 by adding the following language:

"In addition to the above appropriation to the Department of Mental Health, there is hereby appropriated $3.3 million from the Special Mental Health Trust Fund; $5 million from the Special Educational Trust Fund; $3.5 million from the Department of Pensions and Security; and $4.8 million from the State General Fund to be conditioned on the availability of funds from each of the above funds and the approval of the Governor."

Further amend House Bill 166 as substituted on page 75, after line 30 by inserting the following:

"In addition to the above appropriation, there is hereby appropriated $3,500,000 to the Department of Mental Health and Mental Retardation from Federal, Local and Miscellaneous funds from the Department of Pensions and Security—Human Services Program to be conditioned on the availability of funds from the above mentioned source and the approval of the Governor."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—97

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Beasley abstained from voting on the amendment offered by Rep. Johnson (RW) to the bill, H. 166 as amended, due to possible conflict of interest.

AMENDMENT OFFERED

Rep. Nicholson offered the following amendment to the bill, H. 166 as amended:

Amend H. B. 166 as substituted on page 94 after Line 31 by adding the following:

"An additional $500,000 is hereby conditionally appropriated to the Surface Mining Commission upon the availability of funds in the State General Fund and upon the approval of the Governor."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 49; Nays 7.

Yeas:

Mr. Speaker, Biddle, Blake, Bowling, Brakefield, Britnell, Brooks, Browder, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Cosby, Davis, Faulk,

Gaston, Gray, Hammett, Harper, Harvey, Hettinger, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McMillan, Mitchell, Nicholson, Onderdonk, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Smith, Spratt, Thomas, Turner, White (F) and White (L).

—49

Nays:

Reps. Bachus, Clark (W), Coburn, McKee, Rogers, Seibels and White (G).

—7

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 166 as amended:

Amend H. B. 166 as substituted on page 122, lines 19, 30 and 32 by deleting the figure "157,825" and inserting in lieu thereof the figure "315,650".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 100; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—100

AMENDMENT OFFERED

Rep. Gray offered the following amendment to the bill, H. 166 as amended:

Amend House Bill 166 as substituted on page 27 line 30 by striking the figure "95,318,909" and inserting in lieu thereof the figure "93,318,909".

Further amend on page 28 line 10 by striking the figure "103,898,300" and inserting in lieu thereof the figure "101,898,300".

Further amend on line 30 by striking the figures "103,898,300" and "116,839,759" and inserting in lieu thereof the figures "101,898,300" and "114,839,759" respectively.

Further amend on page 74 line 15 by striking the figure "254,454,643" and inserting in lieu thereof the figure "255,454,643".

Further amend on page 75 line 28 by striking the figure "2,032,666" and inserting in lieu thereof the figure "3,032,666".

Further amend on line 30 by striking the figures "2,032,666" and "254,620,143" inserting in lieu thereof the figures "3,032,666" and "255,620,143".

Further amend on page 64 line 33 by striking the figure "60,650,751" and inserting in lieu thereof the figure "61,650,751".

Further amend on page 67 line 32 by striking the figure "40,683,000" and inserting in lieu thereof the figure "41,683,000."

Further amend on page 68 line 12 by striking the figures "40,683,000" and "196,215,072" and inserting in lieu thereof the figures "41,683,000" and "197,215,072" respectively.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Gray to the bill, H. 166 as amended, was tabled.

Yeas 60; Nays 17.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Campbell, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Faulk, Flowers, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Junkins, Kennedy, Lauderdale, Lindsey, Mathis, McDowell, Melton, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Penry, Perdue, Preuitt, Rains, Rice, Richardson, Sasser, Spratt, Starkey, Starr, Tanner, Turner, Venable, Warren, White (F), White (L) and Zoghby.

—60

Nays:

Reps. Bachus, Biddle, Gaston, Gray, Hall, Hooper, Johnson (RW), Kvalheim, Laird, McKee, Payne, Poole, Pratt, Seibels, Trammell, Turnham and White (G).

—17

AMENDMENT OFFERED

Rep. Cosby offered the following amendment #1 to the bill, H. 166 as amended:

Amend House Bill 166 as substituted on page 56 line 25 by striking the figure "1,178,548" and inserting in lieu thereof the figure "1,203,548" and on line 27 by striking the figure "250,000" and inserting in lieu thereof the figure "225,000".

Further amend on page 57 line 7 by striking the figure "640,455" and inserting in lieu thereof the figure "665,455" and on line 28 by striking the figure "250,000" and inserting in lieu thereof the figure "225,000".

Further amend on page 57 after line 26 by inserting the following:

"Historical Commission, Alabama-Cahaba Project . . . 25,000".

Further amend on page 58 line 5 by striking the figure "50,000" and inserting in lieu thereof the figure "25,000".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Mathis, McMillan, Mikell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Tanner, Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—79

Nay: Rep. Starkey. —1

AMENDMENT OFFERED

Rep. Cosby offered the following amendment #2 to the bill, H. 166 as amended:

Amend House Bill 166 as substituted on page 27 by striking on line 30 the figure "95,318,909" and inserting in lieu thereof the figure "95,218,909".

Further amend on page 28 line 10 by striking the figure "103,898,300" and inserting in lieu thereof the figure "103,798,300".

Further amend on page 28 line 30 by striking the figures "103,898,300" and "116,839,759" and inserting in lieu thereof the figures "103,798,300" and "116,739,759" respectively.

Further amend on page 96 lines 11 and 26 by striking the figure "2,950,740" and inserting in lieu thereof the figure "3,050,740".

Further amend on page 96 lines 19 and 26 by striking the figure "618,172" and inserting in lieu thereof the figure "718,172".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Cosby to the bill, H. 166 as amended, was tabled.

Yeas 40; Nays 28.

Yeas:

Mr. Speaker, Adams, Blake, Bowling, Box, Brakefield, Britnell, Bugg, Carothers, Clark (J), Clark (W), Coburn, Dutton, Goodwin, Gray, Grayson, Hammett, Harvey, Holley, Johnson (RG), Johnson (RW), Kennedy, Lauderdale, Lindsey,

Mathis, McNair, Mitchell, Moore, Onderdonk, Parker, Poole, Rice, Richardson, Sasser, Starkey, Starr, Turner, Turnham, Venable and White (F).

—40

Nays:

Reps. Bachus, Biddle, Burke, Coleman, Cosby, Gaston, Grouby, Hall, Harper, Hettinger, Hooper, Junkins, Kvalheim, Laird, McKee, McMillan, Melton, Newman, Nicholson, Payne, Penry, Pratt, Rains, Rogers, Seibels, White (G), White (L) and Zoghby.

—28

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Browder offered the motion to reconsider the vote by which the amendment offered by Rep. Turner to the bill, H. 166 as amended, was adopted, and the motion to reconsider was adopted.

Yeas 62; Nays 14.

Yeas:

Mr. Speaker, Bachus, Beasley, Beers, Biddle, Black, Blake, Boles, Bowling, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JL), Carothers, Clark (D), Clark (J), Coburn, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Gray, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lauderdale, Lindsey, Martin, Mathis, McNair, Mitchell, Moore, Nicholson, Payne, Poole, Pratt, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—62

Nays:

Reps. Adams, Box, Butler, Carter, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Kvalheim, Laird, Parker and Penry.

—14

AMENDMENT TABLED

On motion of Rep. Browder, the amendment offered by Rep. Turner to the bill, H. 166 as amended, was tabled.

Yeas 57; Nays 10.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Bowling, Britnell, Browder, Bryant, Burke, Buskey (JL), Carothers, Clark (D), Crow, Dutton, Faulk, Gaston, Goodwin, Gray, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McNair, Mitchell, Moore, Newton, Nicholson, Payne, Perdue, Pratt, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, White (F) and Zoghby.

—57

Nays:

Reps. Box, Cosby, Grouby, Hall, Hammett, Harvey, Hettinger, McMillan, Parker and Poole.

—10

AMENDMENT OFFERED

Rep. Browder offered the following amendment to the bill, H. 166 as amended:

Amend H. B. 166 as substituted on page 45 by deleting lines 22-29 in their entirety.

Further amend H. B. 166 as substituted on page 44, line 33 by deleting the figure "12,660,366" and inserting in lieu thereof the figure "13,660,366".

Further amend H. B. 166 as substituted on page 45, lines 13 and 21 by deleting the figure "10,127,500" and inserting in lieu thereof the figure "11,127,500".

Further amend H. B. 166 as substituted on page 45, line 21 by deleting the figure "18,203,000" and inserting in lieu thereof the figure "19,203,000".

Further amend H. B. 166 on page 103 lines 30 and 32 and on page 104 line 14 by striking the figure "1,305,160" and inserting in lieu thereof the figure "305,160."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (D), Coleman, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McKee, McMillan, Melton, Mitchell, Newman, Nicholson, Onderdonk, Parker, Penry, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—80

AMENDMENT OFFERED

Rep. Harper offered the following amendment #1 to the bill, H. 166 as amended:

Amend House Bill 166 As Substituted on page 103, lines 30 and 32 and on page 104, line 14 by striking the figure 1,305,160 and inserting in lieu thereof the figure 1,155,160.

Further amend on page 137 after line 14, by adding the following:

"94. Dauphin Island Park and Beach Board-Tourism and Travel Promotion Program		150,000
(One-time matching funds for capital outlay to repair damage from Hurricane Elena).		
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Dauphin Island Park and Beach Board	150,000	150,000

AMENDMENT TABLED

On motion of Rep. Holley, the amendment #1 offered by Rep. Harper to the bill, H. 166 as amended, was tabled.

Yeas 48; Nays 20.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Buskey (JL), Carothers, Clark (D), Coburn, Dutton, Flowers, Goodwin, Grayson, Holley, Holmes, Johnson (RG), Johnson (RW), Laird, Lauderdale, Martin, Mathis, Mitchell, Moore, Nicholson, Parker, Poole, Pratt, Rains, Rice, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turnham, Venable, Warren, White (F), White (G) and White (L).

—48

Nays:

Reps. Adams, Bachus, Box, Burke, Buskey (JE), Carter, Coleman, Cosby, Faulk, Gaston, Gray, Hall, Harper, Hooper, Junkins, Kennedy, Kvalheim, McMillan, Payne and Penry.

—20

AMENDMENT OFFERED

Rep. Harper offered the following amendment #2 to the bill, H. 166 as amended:

Amend House Bill 166 As Substituted on page 103, lines 30 and 32 and on page 104, line 14 by striking the figure "305,160" and inserting in lieu thereof the figure "230,160"

Further amend on page 137 after line 14, by adding the following:

"94. Dauphin Island Park and Beach Board-Tourism and Travel Promotion Program		150,000
(One-time matching funds for capital outlay to repair damage from Hurricane Elena).		

SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Dauphin Island Park and Beach Board	150,000	150,000"

Further amend on page 61, line 23 and 34 and on page 62 line 6 by striking the figure "238,750" and inserting in lieu thereof the figure "163,750".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Harper to the bill, H. 166 as amended, was tabled.

Yeas 42; Nays 17.

Yeas:

Mr. Speaker, Biddle, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Carothers, Clark (D), Coburn, Dutton, Goodwin, Gray, Grayson, Grouby, Hooper, Johnson (RW), Laird, Lauderdale, Lindsey, Martin, Mathis, Moore, Newton, Nicholson, Onderdonk, Parker, Poole, Pratt, Rains, Spratt, Starkey, Starr, Tanner, Thomas, Turnham, Warren and White (G).

—42

Nays:

Reps. Adams, Box, Buskey (JE), Coleman, Cosby, Faulk, Gaston, Hall, Harper, Junkins, Kennedy, Kvalheim, McMillan, Payne, Penry, White (L) and Zoghby.

—17

AMENDMENT OFFERED

Rep. Harper offered the following amendment #3 to the bill, H. 166 as amended:

Amend House Bill 166 As Substituted on page 103, lines 30 and 32 and on page 104, line 14 by striking the figure 1,110,160 and inserting in lieu thereof the figure 960,160

Further amend on page 137 after line 14, by adding the following:

"94. Dauphin Island Park and Beach Board-Tourism and Travel Promotion Program		150,000
(One-time matching funds for capital outlay to repair damage from Hurricane Elena).		
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Dauphin Island Park and Beach Board	150,000	150,000

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #3 offered by Rep. Harper to the bill, H. 166 as amended, was tabled.

Yeas 52; Nays 21.

Yeas:

Mr. Speaker, Albright, Biddle, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Carothers, Clark (D), Coburn, Dutton, Flowers, Goodwin, Gray, Grayson, Grouby, Holley, Johnson (RG), Johnson (RW), Laird, Lauderdale, Lindsey, Martin, Mathis, McNair, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Rains, Richardson, Spratt, Starkey, Tanner, Thomas, Trammell, Turnham, Warren, White (G) and White (L).

—52

Nays:

Reps. Adams, Box, Buskey (JE), Butler, Carter, Coleman, Cosby, Faulk, Gaston, Hall, Harper, Hooper, Junkins, Kennedy, Kvalheim, McMillan, Melton, Penry, Pratt, Seibels and Zoghby.

—21

AMENDMENT OFFERED

Rep. Harper offered the following amendment #4 to the bill, H. 166 as amended:

Amend H. B. 166 as substituted on page 16, after line 33 by adding the following: "Of the above appropriation to the Alcoholic Beverage Control Board, $150,000 shall be transferred to the Dauphin Island Park and Beach Board for capital outlay to repair damage from Hurricane Elena. This appropriation is a one-time appropriation."

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #4 offered by Rep. Harper to the bill, H. 166 as amended, was tabled.

Yeas 48; Nays 27.

Yeas:

Mr. Speaker, Albright, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Britnell, Brooks, Bryant, Bugg, Carothers, Clark (D), Dutton, Goodwin, Grayson, Grouby, Holley, Johnson (RG), Johnson (RW), Laird, Lauderdale, Lindsey, Mathis, McNair, Mikell, Mitchell, Moore, Newman, Newton, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rice, Sasser, Seibels, Spratt, Tanner, Trammell, Turnham, Venable, Warren, White (F) and White (L).

—48

Nays:

Reps. Beers, Box, Burke, Buskey (JE), Butler, Carter, Clark (W), Coleman, Cosby, Faulk, Gaston, Gray, Hall, Harper, Hooper, Junkins, Kvalheim,

Marietta, Martin, McMillan, Nicholson, Penry, Richardson, Starkey, Turner, White (G) and Zoghby.

—27

AMENDMENT OFFERED

Rep. Hammett offered the following amendment to the bill, H. 166 as amended:

Amend House Bill 166 as substituted on page 26 by inserting after line 25 the following:

"In addition to the funds hereinabove appropriated to the Outdoor Recreation Sites and Services Program, $350,000 shall be allocated to the Frank Jackson State Park for construction to be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Black, Blake, Blakeney, Bowling, Box, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Buskey (JL), Butler, Carter, Clark (D), Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lauderdale, Lindsey, Martin, Mathis, McDowell, McMillan, McNair, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—82

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 166 as amended:

On page 137, line 15, add the following, in the appropriate form;

94. Limestone County Historical Society 2,375
95. Fayette County Historical Society 2,375
96. Cherokee County Historical Society 2,375
97. Stevenson Railroad Association Museum 2,375
98. Ft. Payne Railroad Depot Museum 2,375
99. Randolph County Historical Society 2,375
100. Chambers County Historical Society 2,375
101. Sam Dale Park 2,375
102. Bullock Co. Mental Health Assoc. 2,375

103. North Highlands Recreation Center 2,375

104. Christmas on The River 2,375

105. Elmore County Museum, Inc. 2,375

106. Macon County Kidney Dialysis Foundation 2,375

107. Muckles Ridge Festival 2,375

Further amend H. 166 on page 110, line 32 and on page 111 lines 6, 3, 8 by striking the figure "500,000" and adding in lieu thereof: "466,750"

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Venable to the bill, H. 166 as amended, was tabled.

Yeas 42; Nays 33.

Yeas:

Mr. Speaker, Biddle, Blake, Boles, Box, Brakefield, Britnell, Brooks, Bugg, Buskey (JE), Carothers, Clark (D), Coburn, Crow, Flowers, Goodwin, Gray, Grayson, Holley, Johnson (RW), Lauderdale, Marietta, Martin, Mathis, McDowell, McNair, Newton, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Rains, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Warren and White (F).

—42

Nays:

Reps. Adams, Albright, Black, Blakeney, Bryant, Burke, Carter, Coleman, Cosby, Dutton, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Hooper, Junkins, Kvalheim, Laird, Lindsey, McMillan, Newman, Penry, Rice, Richardson, Sasser, Seibels, Turnham, Venable, White (G) and White (L).

—33

AMENDMENT OFFERED

Reps. Bachus and Seibels offered the following amendment to the bill, H. 166 as amended:

Amend H. B. 166 as substituted on page 107, lines 27, 29, and 31 by deleting the figure "250,000" and inserting in lieu thereof the figure "150,000".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Gaston, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McKee,

McMillan, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Seibels, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

—83

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 166 as amended:

To amend the substitute to H. B. 166 on page 61 on lines 23 and 34 by deleting the figure "238,750" and inserting in lieu thereof the figure "231,250".

Further amend the substitute to H. B. 166 on page 62 line 6 by deleting the figure "238,750" and inserting in lieu thereof the figure "231,250".

Further amend the substitute to H. B. 166 on page 137 on lines 10, 12 and 14 by deleting the figure "7,500" and inserting in lieu thereof the figure "15,000".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Hooper to the bill, H. 166 as amended, was tabled.

Yeas 42; Nays 34.

Yeas:

Mr. Speaker, Blake, Boles, Box, Brakefield, Bryant, Bugg, Burke, Carothers, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Goodwin, Hammett, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lauderdale, Mathis, Melton, Newman, Newton, Nicholson, Onderdonk, Parker, Penry, Perdue, Rains, Richardson, Spratt, Starkey, Trammell, Turner, Warren and White (F).

—42

Nays:

Reps. Adams, Albright, Biddle, Blakeney, Britnell, Brooks, Buskey (JE), Buskey (JL), Cosby, Davis, Faulk, Gaston, Gray, Hall, Harper, Hooper, Kvalheim, Laird, Marietta, Martin, McKee, McMillan, Mikell, Payne, Poole, Pratt, Preuitt, Rogers, Seibels, Smith, Starr, Thomas, Turnham and White (G).

—34

AMENDMENT OFFERED

Rep. Beasley offered the following amendment to the bill, H. 166 as amended:

Amend H. B. 166 on page 58 after line 9 by inserting the following:

"Kennedy House-Abbeville 6,000"

Further amend H. B. 166 on page 57 line 33 by striking the figure "100,000" and inserting in lieu thereof the figure "94,000".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Mitchell, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G) and White (L).

—86

AMENDMENT OFFERED

Rep. Laird offered the following amendment #1 to the bill, H. 166 as amended:

To amend the substitute to H. B. 166 on page 119 on lines 16, 18 and 20 by deleting the figure "1013" and inserting in lieu thereof the figure "2025".

To further amend H. B. 166 on page 47 on lines 31, 33 and 34 by deleting the figure "191,000" and inserting in lieu thereof the figure "190,000".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #1 offered by Rep. Laird to the bill, H. 166 as amended, was tabled.

Yeas 50; Nays 20.

Yeas:

Mr. Speaker, Albright, Beasley, Biddle, Boles, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Faulk, Goodwin, Hammett, Harper, Harvey, Holley, Johnson (RW), Kennedy, Lauderdale, Lindsey, Mathis, McDowell, Mikell, Mitchell, Newman, Newton, Parker, Perdue, Pratt, Preuitt, Rains, Sasser, Starkey, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F) and White (G).

—50

Nays:

Reps. Adams, Browder, Carter, Cosby, Gaston, Gray, Grouby, Hall, Hettinger, Johnson (RG), Junkins, Kvalheim, McMillan, Nicholson, Payne, Penry, Poole, Seibels, Smith and White (L).

—20

AMENDMENT OFFERED

Rep. Laird offered the following amendment #2 to the bill, H. 166 as amended:

To amend the substitute to H. B. 166 on page 113 after line 12 the following:

"41. Recreation Capital Development Fund:		
(a) Special Services Program		271,000
SOURCE OF FUNDS:		
(1) State General Fund	271,000	
Total Recreation Capital Development Fund	271,000	271,000"

Further amend H. B. 166 as substituted on page 110 lines 24, 26 and 28 by deleting the figure "280,000" and by inserting in lieu thereof the figure "150,000".

Further amend H. B. 166 as substituted on page 110 line 32 and on page 111 lines 6 and 8 by deleting the figure "500,000" and by inserting the figure "400,000".

Further amend H. B. 166 as substituted on page 47 on lines 31, 33 and 34 by deleting the figure "191,000" and inserting in lieu thereof the figure "150,000".

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment #2 offered by Rep. Laird to the bill, H. 166 as amended, was tabled.

Yeas 55; Nays 12.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Blake, Blakeney, Boles, Brakefield, Britnell, Brooks, Bryant, Bugg, Carothers, Clark (D), Clark (W), Coburn, Coleman, Crow, Davis, Dutton, Flowers, Goodwin, Grouby, Hammett, Harper, Holley, Johnson (RG), Johnson (RW), Kennedy, Lauderdale, Martin, Mathis, McDowell, Mitchell, Moore, Newman, Onderdonk, Parker, Preuitt, Rice, Richardson, Seibels, Smith, Spratt, Starkey, Tanner, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—55

Nays:

Reps. Box, Campbell, Cosby, Gaston, Hall, Hettinger, Junkins, Kvalheim, McMillan, Nicholson, Payne and Poole.

—12

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 166 as amended:

To amend the substitute to H. B. 166 on page 96 lines 11 and 26 by striking the figure "2,950,740" and inserting in lieu thereof the figure "3,050,740".

Further amend on page 96 lines 19 and 26 by striking the figure "618,172" and inserting in lieu thereof the figure "718,172".

Further amend on page 103 on lines 30 and 32 by striking the figure "305,160" and on page 104 on lines 14 by striking the figure "305,160" and inserting in lieu thereof the figure "205,160".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Biddle, Black, Blake, Blakeney, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Cosby, Crow, Flowers, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Martin, Mathis, McMillan, McNair, Mikell, Mitchell, Newman, Nicholson, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Spratt, Starkey, Thomas, Trammell, Turner, Turnham, Venable, White (F), White (G), White (L) and Zoghby.

—70

Nay: Rep. Gray. —1

CO-SPONSORS ADDED

Reps. Reed, Melton, Spratt, Gaston, Adams, Albright, Bachus, Beasley, Beers, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JL), Carothers, Carter, Clark (D), Clark (W), Coleman, Cosby, Crow, Davis, Drake, Dutton, Faulk, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Martin, Mathis, McDowell, McNair, Moore, Newman, Newton, Nicholson, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Richardson, Rogers, Sasser, Seibels, Starkey, Thomas, Trammell, Turner, Warren, White (F), White (G), White (L) and Zoghby were added as co-sponsors to the amendment offered by Rep. Penry to the bill, H. 166.

AMENDMENT OFFERED

Rep. Harper offered the following amendment #5 to the bill, H. 166 as amended:

Amend H. B. 166 as substituted on page 23 after line 23 by inserting the following:

"Any funds released by the Governor to this authority shall be repaid in full to the Department of Conservation and Natural Resources within 18 months of the release."

AMENDMENT TABLED

On motion of Rep. Flowers, the amendment #5 offered by Rep. Harper to the bill, H. 166 as amended, was tabled.

Yeas 50; Nays 12.

Yeas:

Mr. Speaker, Albright, Black, Blake, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Buskey (JL), Carothers, Clark (W), Coburn, Coleman, Crow, Faulk, Flowers, Goodwin, Grayson, Hammett, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Mathis, McKee, Mitchell, Moore, Nicholson, Parker, Payne, Poole, Pratt, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Thomas, Venable, Warren, White (F), White (G) and White (L).

—50

Nays:

Reps. Butler, Carter, Gaston, Gray, Hall, Harper, Hettinger, Kennedy, Kvalheim, Martin, McMillan and McNair.

—12

AMENDMENT OFFERED

Rep. Rogers offered the following amendment to the bill, H. 166 as amended:

Amend H. B. 166 on page 131 after line 33 by inserting the following:

"In addition to the above appropriation, there is hereby appropriated the amount of $368,750 to be conditioned on the availability of funds in the State General Fund and upon approval of the Governor. Such amounts will be distributed on a prorata basis to the above entities."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Faulk, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Johnson (RG),

Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Mathis, McDowell, McMillan, McNair, Mikell, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—82

And the bill, H. 166 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 104; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bachus, Beasley, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, Marietta, Martin, Mathis, McDowell, McKee, McMillan, McNair, Melton, Mikell, Mitchell, Moore, Newman, Newton, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—104

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Coburn, the rules were suspended in order to transmit the bill, H. 166, to the Senate.

MOTION ADOPTED

On motion of Rep. Johnson (RW), when the House adjourns today, it will adjourn to meet again at 12:00 o'clock noon, Tuesday, April 1, 1986.

BUDGET ISOLATION RESOLUTION

On motion of Rep. Onderdonk, Budget Isolation Resolution relating to H. B. 623, was adopted.

Yeas 58; Nays 9.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Beers, Biddle, Black, Blake, Blakeney, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Hammett, Hettinger, Holley, Johnson (RW), Kennedy, Lauderdale, Lindsey, Martin, Mathis, McDowell, McMillan, McNair, Melton, Moore, Newton, Penry, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Spratt, Thomas, Venable, Warren, White (F) and White (L).

Nays:

Reps. Gaston, Hall, Harper, Kvalheim, Nicholson, Seibels, Turner, White (G) and Zoghby.

—9

SPECIAL ORDER RESUMED

And the bill:

H. 623. (With Substitute) (With Amendment): Relating to the regulation of the production of oil and gas in this State; to amend Sections 9-17-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, to define an oil or gas pool, to define an oil or gas field, to define waste to permit gas produced from a gas well to escape into the air for safety reasons, to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity, and to define NGPA as the federal Natural Gas Policy Act of 1978; to amend 9-17-6, Code of Alabama 1975, to authorize the Board to regulate enhanced recovery methods, including Class II injection wells; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend 9-17-13, Code of Alabama 1975, to clarify the definition of enhanced recovery methods; to amend Section 9-17-24, Code of Alabama 1975, to authorize the Board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees, and application fees shall be paid into the State Oil and Gas Board Special Fund; to amend Sections 9-17-25, 9-17-26, and 9-17-31, Code of Alabama 1975, to clarify the definition of oil and gas; to amend Section 40-20-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, and to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the regulation of the production of oil and gas in this State; to amend Section 9-17-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined

as oil, to define an oil or gas pool, to define an oil or gas field, to define waste to permit gas produced from a gas well to escape into the air for safety reasons, to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity, and to define NGPA as the federal Natural Gas Policy Act of 1978; to amend Section 9-17-6, Code of Alabama 1975, to authorize the Board to regulate enhanced recovery methods, including Class II injection wells; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend Section 9-17-13, Code of Alabama 1975, to clarify the definition of enhanced recovery methods; to amend Section 9-17-24, Code of Alabama 1975, to authorize the Board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees, and application fees shall be paid into the Alabama State Oil and Gas Board Special Fund; to amend Sections 9-17-25, 9-17-26, and 9-17-31, Code of Alabama 1975, to clarify the definition of oil and gas and to provide for a 2% production tax on sulfur or any other sulfur related products; to amend Section 40-20-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, and to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity; to amend Section 40-20-2, Code of Alabama 1975, to change the depth level from greater than 18,000 feet to greater than 6,000 feet for all oil or gas now produced from offshore production which is subject to the reduced 6% privilege levy and to provide an 8% privilege tax on sulfur or any other sulfur related products resulting from the cleansing, processing or refining of oil or gas.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 9-17-1, 9-17-6, 9-17-7, 9-17-13, 9-17-24, 9-17-25, 9-17-26, 9-17-31, 40-20-1 and 40-20-2, Code of Alabama 1975, are hereby amended to read as follows:

"§9-17-1. Definitions.

Unless the context otherwise requires, the words defined in this section shall have the following meanings when found in this article:

(1) Board. The state oil and gas board created by this article.

(2) Persons. Any natural person, firm, corporation, association, partnership, joint venture, receiver, trustee, guardian, executor, administrator, fiduciary, representative of any kind or any other group acting as a unit.

(3) Oil. Crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form ~~by ordinary production methods~~ and which are not the result of condensation of gas after it leaves the pool.~~;~~ and all products resulting from the cleansing, processing or refining of oil.

(4) Gas. All natural gas, including casinghead gas~~,~~ and occluded natural gas found in coalbeds; all other liquid or gaseous hydrocarbons not defined as oil in subdivision (3) of this section.~~;~~ and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil in subdivision (3) of this section.

(5) Pool. An underground reservoir containing a common accumulation of ~~crude petroleum~~ oil or ~~natural~~ gas or both and each zone of a general structure which is completely separated from any other zone in the structure.

(6) Field. The general area which is underlaid or appears to be underlaid by at least one pool, and such term shall include the underground reservoir of reservoirs containing ~~crude petroleum~~ oil or ~~natural~~ gas or both. The words 'field' and 'pool' mean the same thing when only one underground reservoir is involved; however, the word 'field,' unlike the word 'pool,' may relate to two or more pools.

(7) Owner. The person who has the right to drill into and to produce from any pool and to appropriate the production either for himself or for himself and another or others.

(8) Producer. The owner of a well or wells capable of producing oil or gas or both; provided, however, that the word 'producer' as used in section 9-17-25 shall also include any person receiving money or other valuable consideration as royalty or rental for oil or gas produced or because of oil or gas produced, whether produced by him or by some other person on his behalf, either by lease, contract or otherwise, and whether the royalty consists of a portion of the oil or gas produced being run to his account or a payment in money or other valuable consideration.

(9) Waste. In addition to its ordinary meaning, such term shall mean 'physical waste' as that term is generally understood in the oil and gas industry. It shall include:

a. The inefficient, excessive or improper use or dissipation of reservoir energy and the locating, spacing, drilling, equipping, operating or producing of any oil or gas well or wells in a manner which results or tends to result in reducing the quantity of oil or gas ultimately to be recovered from any pool in this state;

b. The inefficient storing of oil and the locating, spacing, drilling, equipping, operating or producing of any oil or gas well or wells in a manner causing or tending to cause unnecessary or excessive surface loss or destruction of oil or gas;

c. Abuse of the correlative rights and opportunities of each owner of oil and gas in a common reservoir due to nonuniform, disproportionate and unratable withdrawals causing undue drainage between tracts of land;

d. Producing oil or gas in such manner as to cause unnecessary water channeling or coning;

e. The operation of any oil well or wells with an inefficient gas-oil ratio;

f. The drowning with water of any stratum or part thereof capable of producing oil or gas;

g. Underground waste however caused and whether or not defined;

h. The creation of unnecessary fire hazards;

i. The escape into the open air, from a well producing both oil and gas, of gas in excess of the amount which is necessary in the efficient drilling or operation of the well;

j. The use of gas, except sour gas, for the manufacture of carbon black;

k. Permitting gas produced from a gas well to escape into the air~~; and~~, in excess of the amount which is necessary for safety reasons or for the efficient drilling, testing and operation of the well; and

l. Production of oil and gas in excess of reasonable market demand

~~(9)~~ (10) Product. Any commodity made from or that is a result of cleansing, processing or refining oil or gas and shall include refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, gasoline, kerosene, ~~benzine,~~ benzene, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid ~~products or byproducts~~ commodities derived from oil or gas, ~~and~~ blends or mixtures of two or more liquid ~~products or byproducts~~ commodities derived from oil or gas, sulfur, any other sulfur related commodities or any other commodity whether hereinabove enumerated or not.

~~(10)~~ (11) Illegal oil. Oil which has been produced within the state of Alabama from any well or wells in excess of the amount allowed by any rule, regulation or order of the board, as distinguished from oil produced within the state of Alabama not in excess of the amount so allowed, which is 'legal oil.'

~~(11)~~ (12) Illegal gas. Gas which has been produced within the state of Alabama from any well or wells in excess of the amount allowed by any rule, regulation or order of the board, as distinguished from gas produced within the state of Alabama not in excess of the amount so allowed, which is 'legal gas.'

~~(12)~~ (13) Illegal product. Any product of oil or gas, any part of which was processed or derived in whole or in part from illegal oil or illegal gas or from any product thereof, as distinguished from 'legal product,' which is a product processed or derived to no extent from illegal oil or illegal gas.

~~(13)~~ (14) Tender. A permit or certificate of clearance, approved and issued or registered under the authority of the board, for the transportation of oil, gas or products.

~~(14)~~ (15) Drainage unit. The area in a pool which may be drained efficiently and economically by one well.

~~(15)~~ (16) Developed area or Developed unit. A drainage unit having a well completed thereon which is capable of producing oil or gas in paying quantities; however, in the event it is shown and the board finds that a part of any unit is nonproductive, then the developed part of the unit shall include only that part found to be productive.

~~(16)~~ (17) Reasonable market demand. As to oil, the amount of oil reasonably needed for current consumption and use, together with a reasonable amount of oil for storage and working stock and, as to gas, the amount of gas of any type reasonably needed to supply the current consumption and use of such type of gas.

(18) NGPA. The federal Natural Gas Policy Act of 1978.

"§9-17-6.

(a) The board shall have jurisdiction and authority over all persons and property necessary to administer and enforce effectively the provisions of this article and all other articles relating to the conservation of oil and gas.

(b) The board shall have the authority and it shall be its duty to make such inquiries as it may think proper to determine whether or not waste, over which it has jurisdiction, exists or is imminent. In the exercise of such power the board shall have the authority:

(1) To collect data;

(2) To make investigation and inspection;

(3) To examine properties, leases, papers, books and records, including drilling records and logs;

(4) To examine, check, test and gauge oil and gas wells, tanks, refineries and modes of transportation;

(5) To hold hearings;

(6) To require the keeping of records and making of reports; and

(7) To take such action as may be reasonably necessary to enforce this article.

(c) The board shall have the authority to make, after hearing and notice as provided in this article, such reasonable rules, regulations and orders as may be necessary from time to time in the proper administration and enforcement of this article, including rules, regulations and orders for the following purposes:

(1) To require the drilling, casing and plugging of wells to be done in such a manner as to prevent the escape of oil or gas out of one stratum to another;

(2) To prevent the intrusion of water into an oil or gas stratum from a separate stratum;

(3) To prevent the pollution of fresh water supplies by oil, gas or salt water;

(4) To require the making of reports showing the location of oil and gas wells and to require the filing of logs, including electrical logs, and drilling records and the lodgment in the office of the state oil and gas supervisor of typical drill cuttings or cores, if cores are taken, within six months from the time of the completion of any well;

(5) To require reasonable bond, with good and sufficient surety, conditioned for the performance of the duties outlined in subdivisions (1), (2), (3) and (4) of this subsection, including the duty to plug each dry or abandoned well;

(6) To prevent wells from being drilled, operated or produced in such a manner as to cause injury to neighboring leases or property;

(7) To prevent the drowning by water of any stratum or part thereof capable of producing oil or gas in paying quantities and to prevent the premature and irregular encroachment of water which reduces or tends to reduce the total ultimate recovery of oil or gas from any pool;

(8) To require the operation of wells with efficient gas-oil ratios and to fix such ratios;

(9) To prevent 'blow outs,' 'caving' and 'seepage' in the sense that conditions indicated by such terms are generally understood in the oil and gas business;

(10) To prevent fires;

(11) To identify the ownership of all oil and gas wells, producing leases, refineries, tanks, plants, structures and storage and transportation equipment and facilities;

(12) To regulate the 'shooting,' perforating and chemical treatment of wells;

(13) To regulate ~~secondary~~ enhanced recovery methods, ~~including the introduction of gas, air, water or other substances into producing formations;~~ which include Class II injection wells as defined in the Federal Safe Drinking Water Act, 42 U.S.C. 300f et seq.;

(14) To regulate the spacing of wells and to establish drilling units;

(15) To limit and prorate the production of oil or gas or both from any pool or field for the prevention of waste as defined in this article;

(16) To require, either generally or in or from particular areas, certificates of clearance or tenders in connection with the transportation of oil, gas or any product;

(17) To prevent, so far as is practical, reasonably avoidable drainage from each developed unit which is not equalized by counterdrainage; and

(18) To require the placing of meters of a type approved by the board wherever the board may designate on all pipe lines, gathering systems, barge terminals, loading racks, refineries or other places deemed necessary or proper to prevent waste and the transportation of illegally produced oil or gas. Such meters at all times shall be under the supervision and control of the board; and it shall be a violation of this article, subject to the penalties provided in this article, for any person to refuse to attach or install such meter when ordered to do so by the board or in any way to tamper with such meter so as to produce a false or inaccurate reading or to have any bypass at such a place where the oil or gas can be passed around such meter, unless expressly authorized by written permit of the board.

"§9-17-7.

(a) The board shall prescribe its rules of order or procedure in hearings or other proceedings before it under this article.

(b) No rule, regulation or order, including any change, renewal or extension thereof, shall, in the absence of an emergency, be made by the board under the provisions of this article except after a public hearing upon at least 10 days notice, given in the manner and form as may be prescribed by the board. Such public hearing shall be held at such time and place and in such manner as may be prescribed by the board, and any person having any interest in the subject matter of the hearing shall be entitled to be heard.

(c) In the event an emergency is found to exist by the board which in its judgment requires the making, changing, renewal or extension of a rule, regulation or order without first having a hearing, such emergency rule, regulation or order shall have the same validity as if a hearing with respect to the same had been held after due notice. The emergency rule, regulation or order permitted by this subsection shall remain in force no longer than 45 days from its effective date and; in any event, it shall expire when the rule, regulation or order made after due notice and hearing with respect to

the subject matter of such emergency rule, regulation or order becomes effective.

(d) Should the board elect to give notice by personal service, such service may be made by any officer authorized to serve process or by any agent of the board in the same manner as is provided by law for the service of summons in civil actions in the circuit courts of this state. Proof of the service by such agent shall be by the affidavit of the person making personal service.

(e) All rules, regulations and orders made by the board shall be in writing and shall be entered in full by the secretary of the board in a book to be kept for such purpose by the board, which shall be a public record and open to inspection at all times during reasonable office hours. A copy of any rule, regulation or order, certified by the secretary of the board, shall be received in evidence in all courts of this state with the same effect as the original.

(f) Any interested person shall have the right to have the board call a hearing for the purpose of taking action in respect to any matter within the jurisdiction of the board by making a request therefor in writing. Upon the receipt of any such request, the board promptly shall call a hearing thereon and, after such hearing and with all convenient speed and in any event within 30 days after the conclusion of such hearing, shall take such action with regard to the subject matter thereof as it may deem appropriate.

(g) The board shall have the authority to appoint a hearing officer for the purpose of conducting public hearings on behalf of the board and making recommendations to the board. The hearing officer must be either a board member, the state oil and gas supervisor, or the general counsel for the board.

"§9-17-13.

(a) When any mineral or other related interests deriving from two or more separately owned tracts of land are embraced within an established or a proposed drilling or production unit, or when there are separately owned interests in all or a part of an established or proposed drilling or production unit, or any combination of such, the persons owning such interests therein may validly agree to integrate or pool such interests and to develop such interests and associated lands as a drilling or production unit. Where, however, such owners have not agreed to so integrate or pool such interests, the board shall, for the prevention of waste or to avoid the drilling of unnecessary wells, require such persons owning such interests to do so and to develop their interests and the associated lands as a drilling or production unit.

(b) The board, in order to prevent waste and avoid the drilling of unnecessary wells, may permit or require the cycling of gas in any pool or portion thereof and is also authorized to permit or require the introduction of gas or other substance into an oil or gas reservoir for the purpose of repressuring such reservoir, maintaining pressure or carrying on ~~secondary~~ enhanced recovery operations. The board may require pooling or integration of all the interests in or associated with such tracts, when reasonably necessary in connection with cycling operations.

(c) All orders requiring integration, pooling, cycling, repressuring, pressure maintenance or ~~secondary~~ enhanced recovery operations shall be made after notice and hearing and shall be upon terms and conditions that are just and reasonable and which will afford to the person owning each such interest associated with each tract the opportunity to recover or receive his

just and equitable share of the oil and gas in the pool without unnecessary expense and will prevent or minimize reasonably avoidable drainage from each unit which is not equalized by counterdrainage. The portion of the production allocated to the person owning each such interest associated with each tract included in an integrated or pooled unit formed by an integration or pooling order shall, when produced, be considered as if it had been produced from such tract by a well drilled thereon. In the event such integration or pooling is required by the board, the operator designated by the board to develop and operate the integrated or pooled unit shall have the right to charge against the interest of each other owner in the production from the wells drilled by such designated operator the actual expenditures required for such purpose, not in excess of what are reasonable, including a reasonable charge for supervision; and the operator shall have the right to receive the first production from such wells drilled by him thereon which otherwise would be delivered or paid to the other parties jointly interested in the drilling of the well so that the amount due by each of them for his share of the expense of drilling, equipping and operating the well may be paid to the operator of the well out of production, with the value of production calculated at the market price in the field at the time such production is received by the operator or placed to his credit. In the event of any dispute relative to such cost, the board shall determine the proper cost.

(d) Should the owners of separate tracts or interest embraced within a drilling or production unit fail to agree upon the integration or pooling of the tracts or interests associated with such tracts and the drilling of a well on such unit, and should it be established that the board is without authority to require integration or pooling as provided for in this section, then subject to all other applicable provisions of this article, the owner of the interest or interests associated with each tract embraced within such drilling or production unit may drill on his tract; but the allowable production from such tract or interest shall be such proportion of the allowable production for the full drilling or production unit as the area of such separately owned tract associated with the separately owned interest, bears to the full drilling or production unit.

(e) Agreements made in the interest of conservation of oil or gas, or both, or for the prevention of waste, between and among owners or operators, or both, owning separate interests in the same oil or gas pool, or in any area that appears from geological or other data to be underlain by a common accumulation of oil or gas, or both, and agreements between and among such owners or operators, or both, and royalty owners therein of the pool or area or any part thereof as a unit for establishing and carrying out a plan for the cooperative development and operation thereof, when such agreements are approved by the board, are hereby authorized and shall not be held or construed to violate any of the statutes of this state relating to trusts, monopolies or contracts and combinations in restraint of trade.

"§9-17-24. Notification of oil and gas supervisor and payment of fee prior to drilling of wells; payment of filing fee for petitions for public hearing; payment of application fee for NGPA determinations; disposition of fees.

(a) Any person desiring or proposing to drill any well in search of oil or gas or any person proposing to drill a Class II injection well as defined in the Federal Safe Drinking Water Act, 42 U.S.C. 300f et seq., before commencing the drilling of any such well, shall notify the state oil and gas supervisor upon such form as the state oil and gas supervisor may prescribe and shall pay to the state treasurer a fee of $250.00 for each such well. The

drilling of any well is hereby prohibited until such notice is given and such fee has been paid as herein provided. The state oil and gas supervisor shall have the power and authority to prescribe that the said form indicate the exact location of such well, the name and address of the owner, operator, contractor, driller, and any other person responsible for the conduct of drilling operations, the proposed depth of the well, the elevation of the well above sea level and such other relevant information as the state oil and gas supervisor may deem necessary or convenient to effectuate the purposes of this article. ~~All funds paid to the state treasurer pursuant to the provisions of this section shall be paid into the general fund.~~

(b) Any person filing a petition or a notice of such petition with the state oil and gas board requesting a public hearing before the state oil and gas board shall pay to the state treasurer a fee of $150.00 for filing such petition.

(c) Any person filing an application with the state oil and gas board requesting a well status determination under the Natural Gas Policy Act of 1978 (NGPA) by the state oil and gas board pursuant to the authority granted to the board according to 15 U.S.C. 3413, shall file the prescribed forms and shall pay to the state treasurer a fee of $150.00 for making such application and determination.

(d) All well permit fees, filing fees for petitions, application fees for NGPA determinations and other fees paid to the state treasurer pursuant to the provisions of this section shall be paid into the Alabama State Oil and Gas Board Special Fund and disbursed by the state treasurer upon warrants drawn by the state comptroller for the purpose of defraying expenses incurred by the state oil and gas board in the performance of its powers and duties.

(e) There is hereby created a separate fund in the state treasury to be known as the Alabama State Oil and Gas Board Special Fund. This fund shall consist of well permit fees, filing fees for petitions, application fees for NGPA determinations and other fees. All money deposited in this fund shall be used for the purpose of defraying expenses incurred by the state oil and gas board in the performance of its powers and duties. Such fund shall be paid out only by warrant of the comptroller upon the treasurer, upon itemized vouchers, approved by the state oil and gas supervisor; provided, that no funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of sections 41-4-80 through 41-4-96 and sections 41-19-1 through 41-19-12 of the Code of Alabama 1975, as amended, and only in amounts as stipulated in the general appropriation or other appropriation bills. Provided further, that any funds unspent and unencumbered at the end of any state fiscal year shall not be transferred into the state general fund.

"§9-17-25.

For the purpose of defraying the expenses connected with the administration and enforcement of this article, including the expense of the inspections, tests, analyses and all other expenses connected with the supervision and protection of ~~crude petroleum~~ oil and ~~natural~~ gas in the state of Alabama, there is hereby levied on the producer a tax equal in amount to two percent of the gross value, at the point of production, of the ~~crude petroleum~~ oil, ~~or natural~~ gas and all products resulting from the cleansing, processing or refining of oil or gas produced for sale, transport, storage, profit or for use from any well or wells in the state of Alabama; provided, however, that

natural gas lawfully injected into the earth for cycling, repressuring, pressure maintenance, or lifting of oil, or lawfully vented or flared in connection with the production of oil shall be exempt from this tax; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt from this tax. The tax shall be paid to the department of revenue directly by the purchaser when authorized in writing by the producer, and, when so paid, the producer or person in charge of production shall be relieved of any further liability.

"§9-17-26.

It shall be the duty of every person producing or in charge of production of ~~crude petroleum~~ oil or ~~natural~~ gas from any well or wells in the state of Alabama for sale, transport, storage, profit or for use to keep and preserve such records of the amount of all such ~~crude petroleum~~ oil or ~~natural~~ gas produced for sale, transport, storage, profit or for use as may be necessary to determine the amount of the tax for which he is liable under the provisions of section 9-17-25. It shall be the further duty of every such person to file with the department of revenue, not later than the last day of each month, a return, verified by oath, showing the amount of ~~crude petroleum~~ oil ~~or, natural~~ gas, sulfur or other products which the department of revenue may designate produced for sale, transport, storage, profit or for use during the preceding month, to compute on the return the amount of tax charged against him in accordance with the provisions of section 9-17-25 and to transmit to the department of revenue with such return a remittance covering the tax chargeable against him. The return shall contain such other information and shall be in such form as the department of revenue shall designate. The department of revenue is authorized to determine the gross value at the point of production in accordance with customary practice.

"§9-17-31.

All funds collected pursuant to the two percent tax levied on the producer of ~~crude petroleum~~ oil, ~~or natural~~ gas and all products resulting from the cleansing, processing or refining of oil or gas produced for sale, transport, storage, profit or for use, from any well or wells in the state of Alabama, as is provided in section 9-17-25, shall be deposited in the state treasury to the credit of the general fund and shall be expended only in the manner provided by appropriation by the legislature.

"§40-20-1. Definitions.

For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

(1) Department. The state department of revenue.

(2) Annual. The calendar year or the taxpayer's fiscal year, when permission is obtained from the department to use a fiscal year as a tax period in lieu of a calendar year.

(3) Value. The sale price or market value at the mouth of the well. If the oil ~~or~~, gas, sulfur or any other sulfur related products are ~~is~~ exchanged for something other than cash, if there is no sale at the time ~~or~~ of severance or if the relation between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the department shall determine the value of the oil, ~~or~~ gas, sulfur or any other sulfur related products subject to the tax hereinafter provided for,

considering the sale price for cash of oil, ~~or~~ gas, sulfur or any other sulfur related products of like quality.

(4) Oil. Crude petroleum oil and other hydrocarbons, regardless of gravity which are produced at the well in liquid form ~~by ordinary production methods~~ and which are not the result of condensation of gas after it leaves the ~~well.~~ pool; and all products resulting from the cleansing, processing or refining of oil.

(5) Gas. All natural gas, including casinghead gas~~,~~ and occluded natural gas found in coalbeds; all other liquid or gaseous hydrocarbons not defined as oil in subdivision (4) ~~above.~~ of this section; and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil in subdivision (4) of this section.

(6) Product. Any commodity made from or that is a result of cleansing, processing or refining oil or gas and shall include refined crude oil, crude tops, topped crude, processed crude petroleum, residue from crude petroleum, cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline, natural gas gasoline, naphtha, distillate, gasoline, kerosene, benzene, wash oil, waste oil, blended gasoline, lubricating oil, blends or mixtures of oil with one or more liquid commodities derived from oil or gas, blends or mixtures or two or more liquid commodities derived from oil or gas, sulfur, any other sulfur related commodities or any other commodity whether hereinabove enumerated or not.

~~(6)~~(7) Severed. The extraction or withdrawing from the soil or water or from below the surface of the soil or water of any oil or gas, whether such extraction or withdrawal shall be by natural flow, mechanically enforced flow, pumping or any other means employed to get the oil or gas from the soil or water or from below the surface of the soil or water.

~~(7)~~(8) Person. Any natural person, firm copartnership, joint venture, association, corporation, estate, trust and any other group or combination acting as a unit, and the plural as well as the singular number.

~~(8)~~(9) Producer. Any person engaging or continuing in the business of oil or gas production, which, for the purpose of this article, includes the owning, controlling, managing, or leasing of any oil or gas property or oil or gas well, and producing in any manner any oil or gas by taking it from the soil or waters, or from beneath the soil or waters, of the state of Alabama, and further includes receiving money or other valuable consideration as royalty or rental for oil or gas produced or because of oil or gas produced, whether produced by him or by some other person on his behalf, either by lease, contract or otherwise, and whether the royalty consists of a portion of the oil or gas produced being run to his account or a payment in money or other valuable consideration.

~~(9)~~(10) Submerged lands. All lands within the territorial jurisdiction of the state of Alabama that are continuously or intermittently covered by marine or marine influenced waters and are below the mean high tide mark on all islands and land adjacent to the Mississippi Sound, Mobile Bay, Bon Secour Bay, Wolf Bay, Arnica Bay, Bay La Launch and Perdido Bay; and excludes all areas upstream of the confluence of the Mississippi Sound, Mobile Bay, Wolf Bay and Perdido Bay with their natural tributaries.

~~(10)~~(11) Offshore drilling or production facilities. Barges, platforms or other drilling or production facilities located on submerged lands to drill or to produce oil or gas.

~~(11)~~(12) Offshore production. Gas or oil produced from offshore drilling or production facilities from wells located on submerged lands within the territorial jurisdiction of the state of Alabama.

~~(12)~~(13) Discovery well. Any well capable of producing oil and/or gas from a single pool in which a well has not been previously completed as a well capable of producing.

~~13)~~(14) Development wells. All oil and/or gas producing wells other than discovery wells and replacement wells.

~~(14)~~(15) Onshore well. Any oil or gas well that is drilled in an area other than submerged lands as defined herein.

~~(15)~~(16) Replacement wells. A well drilled on a drilling and/or production unit to replace another well which is drilled in the same unit and completed in the same pool.

~~(16)~~(17) Commenced. A well shall be deemed to have commenced when the well is spudded.

~~(17)~~(18) Completion. A well shall be deemed to be completed for purposes of this article when drilling and logging operations have ceased.

~~(18)~~(19) Pool. As used herein, pool shall mean a single underground reservoir containing a common accumulation of oil or gas or both. Each zone of a general structure which is completely separated from any other zone in the structure is a single pool as that term is used herein.

~~(19)~~(20) Enhanced recovery project. An oil or gas recovery project which is approved by the state oil and gas board of Alabama employing one or more of the following methods:

a. Recycling, injecting or flooding a pool, or pools, or portion thereof, with air, gas, water, hydrocarbons, carbon dioxide (CO_2) or any other substance, or any combination or combinations thereof; or

b. The use of polymers, steam flooding or fire flooding.

~~(20)~~(21) Supplemental enhanced recovery project. An enhanced recovery project in which injection of substances into a unitized area was initiated prior to January 1, 1985, and thereafter is improved by expanding or otherwise changing the unit operations associated with the project as approved by the state oil and gas board of Alabama for the purpose of increasing the ultimate recovery of hydrocarbons.

~~(21)~~(22) Incremental oil or gas production. The amount of oil or gas which will be produced as a result of a qualified enhanced recovery project and which is in excess of the amount of oil or gas which could have been produced economically and efficiently from a pool or pools or portion thereof by production methods being utilized prior to said qualified enhanced recovery project being approved by the state oil and gas board of Alabama.

~~(22)~~(23) Qualified enhanced recovery project. As used herein, a qualified enhanced recovery project shall mean an enhanced recovery project or supplemental enhanced recovery project that meets all of the following criteria:

a. That the area where the enhanced recovery project or supplemental enhanced recovery project is employed has been unitized in accordance with the provisions of Article 3, Chapter 17 of Title 9 of the Code of Alabama 1975, as amended.

b. That injection of substances associated with the enhanced recovery project or supplemental enhanced recovery project has been or will be implemented as an integral part of the operations of the unitized area.

c. That the enhanced recovery project or supplemental enhanced recovery project be certified by the state oil and gas board of Alabama as capable of incremental oil or gas production.

d. That the enhanced recovery project or supplemental enhanced recovery project be implemented on or after January 1, 1985.

"§40-20-2.

(a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defied herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided herein. Effective May 1, 1985 and thereafter the incremental oil or gas production produced during a given year resulting from a qualified enhanced recovery project shall be taxed at the rate of four percent of gross value at the point of production of said incremental oil or gas production. The state oil and gas board of Alabama shall approve the qualified enhanced recovery project and the determination of the projected annual oil or gas production that could have otherwise been produced without the benefit of the initiation of said qualified enhanced recovery project at a hearing held pursuant to section 9-17-7 of the Code of Alabama (1975), as amended, and shall notify the Alabama Department of Revenue thereof. All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production; all oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five years from the date production begins from said discovery and development wells, provided, that all production to receive a six-percent tax rate, which is produced from discovery wells, must be from discovery wells permitted by the state oil and gas board of Alabama after July 1, 1984, and that all production to receive a six-percent tax rate from development wells on which drilling commenced within the required time of completion of a discovery well, which was permitted after July 1, 1984, and said development well must also have been permitted after July 1, 1984; provided however, that the six-percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six-percent, five-year, tax rate period for only the remainder of the said tax rate period; and all oil or gas produced by offshore production, as defined herein, at depths greater than ~~18,000~~ 6,000 feet below mean sea level, shall be taxed at the rate of six-percent of the gross value of said oil or gas production at the point of production.

However, any well which begins commercial production of occluded natural gas from coal seams after June 7, 1984, shall be taxed at the rate

of two-percent of the gross value of said occluded natural gas from coal seams at the point of production for a period of five years after such well begins production.

(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition. Provided, however, that natural gas lawfully injected into the earth for cycling, repressuring, pressure maintenance, or lifting of oil, or lawfully vented or flared in connection with the production of oil shall be exempt from this tax; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt from this tax.

(c) The rate of taxation on all sulfur or any other sulfur related products derived from oil or gas subject to taxation under the provisions of this title, shall be taxed at the rate of 8% of the gross value of said sulfur or any other sulfur related products at the point of production.

~~(c)~~ (d) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in section 40-20-1.

~~(d)~~ (e) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in section 40-20-1.

~~(e)~~ (f) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit,

including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any."

Section 2. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of the Act which is not in and of itself invalid or unconstitutional.

Section 3. All laws or parts of laws inconsistent or in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. This Act shall become effective on the first day of the second month following its passage and approval by the governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 64; Nays 13.

Yeas:

Mr. Speaker, Adams, Albright, Beasley, Biddle, Black, Blake, Blakeney, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Goodwin, Hall, Hammett, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Kennedy, Lauderdale, Lindsey, Martin, Mathis, McDowell, McNair, Melton, Moore, Newman, Newton, Nicholson, Parker, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Turnham, Venable, Warren, White (F) and White (L).

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Nays:

Reps. Buskey (JE), Gaston, Gray, Harper, Hooper, Junkins, Kvalheim, Mikell, Preuitt, Starr, Turner, White (G) and Zoghby.

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The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 623 as substituted on page 27 after line 26 by adding a new Section 2 and renumbering the remaining sections accordingly.

"Section 2. All severance tax revenue derived from sulfur or sulfur related products by Mobile County or any city, town, or municipality within Mobile County under the provisions of this bill shall be distributed as follows: The State Comptroller shall distribute these revenues to Southwest State Technical College, Carver State Technical College and Bishop State Junior College on a prorata basis according to each such institutions total fall enrollment."

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Blakeney, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J),

Coleman, Cosby, Crow, Davis, Dutton, Flowers, Goodwin, Hall, Hammett, Harvey, Holley, Johnson (RG), Johnson (RW), Kennedy, Lauderdale, Lindsey, Mathis, Melton, Moore, Newman, Newton, Parker, Perdue, Poole, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Starkey, Turner, Turnham, Venable, Warren, White (F) and White (G).

—54

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment #1 to the bill, H. 623 as amended:

Amend House Bill No. 623 as substituted and amended, on page 26, Lines 8 through 12, by deleting subsection (c) in its entirety and renumbering all subsequent subsections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Brakefield, Britnell, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Escott, Flowers, Gaston, Goodwin, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, Mikell, Moore, Newman, Nicholson, Parker, Poole, Pratt, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Venable, Warren, White (G), White (L) and Zoghby.

—61

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment #2 to the bill, H. 623 as amended:

Amend House Bill 623 as substituted on page 27 after line 26 by adding a new Section 2 and renumbering the remaining sections accordingly.

"Section 2. All sulfur tax revenue derived from sulfur or sulfur related products by Escambia County or any city, town or municipality within Escambia County under the provisions of this bill shall be distributed as follows: Upon receipt by the county,

1) 33.33% of all revenues shall be distributed to Jefferson Davis Jr. College to be used at the discretion of the President.

2) 66.67% shall be distributed in the same manner as present oil and gas tax receipts are distributed within the county."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Brakefield, Browder, Bryant, Buskey (JE), Butler, Carothers, Carter, Clark (D), Clark (J), Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Hettinger, Johnson (RG), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Mathis, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Poole, Pratt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starkey, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—59

Nays: Reps. Gray and McNair. —2

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment #3 to the bill, H. 623 as amended:

On page 2, line 8, at the end of the synopsis, delete the period and add the following:

; and this bill amends Section 40-20-8, Code of Alabama 1975, so as to provide further for the distribution of certain severance tax revenue derived from sulfur or sulfur related products.

On page 3, line 23, at the end of the title, delete the period and add the following:

; and to amend Section 40-20-8, Code of Alabama 1975, so as to provide further for the distribution of certain severance tax revenue derived from sulfur or sulfur related products.

On page 3, line 28, delete the words and figures between the last two commas and insert in lieu thereof the following:

40-20-1, 40-20-2 and 40-20-8

On page 27, after line 26, insert the following:

"§40-20-8.

"(a) Ninety percent of the net amount of all taxes herein levied on oil or gas from offshore production as herein defined shall be collected by the department and deposited to the state general fund. The remaining 10 percent on such net amount shall be allocated and distributed by the comptroller to the county in which the oil or gas was produced for county purposes or to be expended at the discretion of the county governing body.

"(b) Twenty-five percent of the net amount of all taxes herein levied and collected by the department except as provided herein in subsection (a) shall be deposited by the department to the general fund of the state.

"(c) Sixty-six and two-thirds percent of the remaining 75 percent of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state and to the county

in which the oil or gas was produced and to the municipalities therein in the proportion set out in the following schedule:

"(1) Twenty-five percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes or to be expended at the discretion of the county governing body. In all counties having a population of not less than 34,875 nor more than 36,000, according to the 1970 federal decennial census, such funds shall be allocated and distributed by the counties to the boards of education of the public schools in such counties on a pro rata basis as established by the number of children in net enrollment in the public schools during the prior school attendance year. In all counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census, such funds shall be allocated and distributed by the counties as follows: Each year the first $150,000.00 shall be paid to the custodian of the county school funds, and after the payment of said $150,000.00 each year, the balance of said funds shall be divided and paid one-third to the custodian of the county school funds and two-thirds to the county general funds.

"(2) Ten percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within the corporate limits or the police jurisdiction or any municipality shall be allocated and distributed to each such municipality; except that all wells within the corporate limits of police jurisdiction of any municipality where taxes are levied and collected at a rate of four percent, 10 percent of all said 4 percent taxes shall be distributed to each such municipality.

"(3) Fifty percent of the first $150,000.00 remaining, or any part thereof, collected per year under the provisions of this article, shall be allocated and distributed to the state, 42½ percent to the county and seven and one-half percent to municipalities therein on a population basis.

"(4) Eighty-four percent of all remaining sums collected per year under the provisions of this article shall be allocated and distributed to the state, 14 percent to the county and two percent to municipalities therein on a population basis.

"(d) Sixteen and two-thirds percent of the remaining 75 percent of all taxes herein levied and collected by the department shall be certified into the state treasury to the credit of the state general fund.

"(e) Sixteen and two-thirds percent of the remaining 75 percent of all taxes herein levied and collected by the department on oil and gas produced from oil or gas wells located within any county shall be allocated and distributed to each such county for county purposes, to be expended at the discretion of the county governing body.

"(f) 1. Notwithstanding the provisions of this section to the contrary, all severance tax derived from sulfur or sulfur related products by Washington County or any city, town or municipality within Washington County under the provisions of this article shall be distributed as follows: The state comptroller shall distribute all of such revenue to the County of Washington to be distributed as follows:

"Forty-five percent to the Washington County Board of Education for capitol improvement for construction and structure maintenance;

"Forty-five percent to the Washington County Commission for road construction and maintenance;

"Ten percent to the Industrial Development Board of Washington County for operating expenses."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 6.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Dutton, Flowers, Gaston, Goodwin, Hammett, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Lauderdale, Lindsey, Martin, McMillan, Newman, Newton, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Sasser, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—58

Nays:

Reps. Hall, Harper, Hettinger, Hooper, McNair and Nicholson.

—6

AMENDMENT OFFERED

Rep. Onderdonk offered the following amendment #4 to the bill, H. 623 as amended:

Amend House Bill 623, Section 2, Page 27, Line, after the word(s) "Enrollment" by adding the following:

All severance tax revenue derived from sulfur or sulphur related products by Baldwin County or any city, town, or municipality within Baldwin County under the provisions of this bill shall be distributed to the Baldwin County Board of Education.

And substituting in lieu thereof the following:

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (D), Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Hammett, Harper, Harvey, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, Martin, Mathis, McMillan, Newman, Newton, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Rains, Reed, Rice, Richardson, Sasser, Smith, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—65

Nays: Reps. Gray, Hooper and Nicholson. —3

MOTION IN WRITING

Rep. Mathis offered the following Motion in Writing:

Shall the main question now be put?

And the Motion in Writing was lost.

Yeas 17; Nays 43.

Yeas:

Reps. Bachus, Beasley, Brakefield, Brooks, Bryant, Bugg, Dutton, Faulk, Johnson (RG), Johnson (RW), Lindsey, Martin, Mathis, McDowell, McNair, Turner and White (G).

—17

Nays:

Mr. Speaker, Adams, Beers, Black, Blake, Britnell, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Coleman, Gaston, Gray, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Hooper, Junkins, Kvalheim, Lauderdale, McKee, McMillan, Mikell, Newman, Nicholson, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Seibels, Smith, Starr, Venable, Warren, White (F) and Zoghby.

—43

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 623 as amended:

On page 17, line 34, after the words "from this tax." insert the following: "Provided further, however, that gas used as fuel in the operation of gas processing plants and gas used as fuel by compressors in the operation of gas processing plants shall be exempt from this tax; however, if any gas so used is sold for such purposes, then the gas so sold shall not be exempt from this tax."

On page 26, line 7, after the words, "from this tax." insert the following: "Provided further, however, that gas used as fuel in the operation of gas processing plants and gas used as fuel by compressors in the operation of gas processing plants shall be exempt from this tax; however, if any gas so used is sold for such purposes, then the gas so sold shall not be exempt from this tax."

AMENDMENT TABLED

On motion of Rep. Onderdonk, the amendment offered by Rep. Harper to the bill, H. 623 as amended, was tabled.

Yeas 38; Nays 25.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Beers, Blake, Blakeney, Brakefield, Britnell, Bryant, Burke, Clark (J), Coburn, Coleman, Gray, Holley, Johnson (RW), Junkins, Laird, Lauderdale, Lindsey, Mathis, McDowell,

McNair, Moore, Newman, Onderdonk, Parker, Preuitt, Rice, Richardson, Sasser, Seibels, Thomas, Turnham, Venable, White (G) and White (L).

—38

Nays:

Reps. Brooks, Bugg, Butler, Carothers, Cosby, Faulk, Gaston, Hall, Hammett, Harper, Hettinger, Johnson (RG), Kvalheim, Martin, McKee, McMillan, Mikell, Newton, Nicholson, Payne, Perdue, Poole, Starr, Turner and Zoghby.

—25

AMENDMENT OFFERED

Rep. Harper offered the following amendment #2 to the bill, H. 623 as amended:

Amend House Bill 623 as Substituted on page 27 after line 26 by adding a new Section 2 and renumbering the remaining sections accordingly.

Section 2. All severance tax revenue derived from sulfur or sulfur related products by Mobile County or any city, town, or municipality within Mobile County under the provisions of this bill shall be distributed by the Mobile County Treasurer as follows: 50% to the Mobile County School Board and the remaining 50% to the chancellor of Post Secondary Education for high technology purposes in Mobile County.

AMENDMENT TABLED

On motion of Rep. Turner, the amendment #2 offered by Rep. Harper to the bill, H. 623 as amended, was tabled.

Yeas 6; Nays 3.

Yeas: Reps. Buskey (JE), Gaston, Mathis, Poole, Turner and Zoghby. —6

Nays: Reps. Brooks, Harper and Kvalheim. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 623. Relating to the regulation of the production of oil and gas in this State; to amend Section 9-17-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, to define an oil or gas pool, to define an oil or gas field, to define waste to permit gas produced from a gas well to escape into the air for safety reasons,

to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity, and to define NGPA as the federal Natural Gas Policy Act of 1978; to amend Section 9-17-6, Code of Alabama 1975, to authorize the Board to regulate enhanced recovery methods, including Class II injection wells; to amend Section 9-17-7, Code of Alabama 1975, to authorize the State Oil and Gas Board to delegate power and authority to a hearing officer; to amend Section 9-17-13, Code of Alabama 1975, to clarify the definition of enhanced recovery methods; to amend Section 9-17-24, Code of Alabama 1975, to authorize the Board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees, and application fees shall be paid into the Alabama State Oil and Gas Board Special Fund; to amend Sections 9-17-25, 9-17-26, and 9-17-31, Code of Alabama 1975, to clarify the definition of oil and gas and to provide for a 2% production tax on sulfur or any other sulfur related products; to amend Section 40-20-1, Code of Alabama 1975, to define oil to include products resulting from the cleansing, processing or refining of oil, to define gas to include occluded natural gas found in coalbeds, other liquid or gaseous hydrocarbons not defined as oil, and all products resulting from the cleansing, processing or refining of all other liquid or gaseous hydrocarbons not defined as oil, and to define product as any commodity made from or is a result of cleansing, processing or refining oil or gas, including sulfur or any other commodity; to amend Section 40-20-2, Code of Alabama 1975, to change the depth level from greater than 18,000 feet to greater than 6,000 feet for all oil or gas now produced from offshore production which is subject to the reduced 6% privilege levy and to provide an 8% privilege tax on sulfur or any other sulfur related products resulting from the cleansing, processing or refining of oil or gas; and to amend Section 40-20-8, Code of Alabama 1975, so as to provide further for the distribution of certain severance tax revenue derived from sulfur or sulfur related products.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 39; Nays 29.

Yeas:

Mr. Speaker, Adams, Bachus, Beasley, Blake, Blakeney, Brakefield, Britnell, Browder, Bryant, Bugg, Butler, Campbell, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Dutton, Faulk, Harper, Harvey, Hettinger, Johnson (RW), Lauderdale, Lindsey, Mathis, McNair, Melton, Newman, Rice, Richardson, Spratt, Thomas, Turnham, Venable and White (L).

—39

Nays:

Rep. Brooks, Burke, Buskey (JE), Buskey (JL), Cosby, Gaston, Gray, Hall, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, McKee, McMillan, Mikell, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Seibels, Starr, Turner, Warren, White (F), White (G) and Zoghby.

—29

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Newman (With Notice and Proof):

H. 821. Relating to Lamar County; to amend section 1 of Act 82-511, H. 796 of the 1982 Regular Session, (Acts 1982, p. 845), as amended, relating

to the distribution of certain oil and gas privilege tax proceeds to the Lamar County Education Department, so as to authorize the expenditure of certain said funds for instructional supplies, purchase of certain school equipment and the repair of school buses.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 821, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Grouby (With Notice and Proof):

H. 822. Relating to Autauga County, exempting The Crime Prevention Inc. and Spinners Inc. from any and all county or municipal sales and use taxes.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 822, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coleman, Ford, Hall, Newman, and White (L):

H. 823. Establishing on a permanent basis the Joint Interim Legislative Children and Youth Study Committee; providing for the membership of such committee; prescribing the functions of such committee; providing office space and clerical assistance for such committee; providing for a salaried coordinator for such committee and providing for the compensation and expenses of the members of such committee.

Committee on Ways and Means.

By Rep. Newman (With Notice and Proof):

H. 824. Relating to Fayette County; to create a license-issuing division within the Probate Judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the County Commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the Probate Judge's office; and to transfer certain duties now performed by the Tax Assessor and Tax Collector to said probate office; also to provide for a special recording and indexing fee on documents filed in the office of the Judge of Probate; and to prescribe the use thereof. County Commission to set fee.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 824, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Boles and McNair:

H. 825. To adopt Part 107, Subpart B and Parts 171-179 of Title 49, Code of Federal Regulations of the Hazardous Material Regulations of the U. S. Department of Transportation.

Committee on Ways and Means.

By Reps. Rice, Drake, Coleman, Grouby, Richardson, Turnham, Newman, Junkins, Beers, Onderdonk, Boles, Trammell, Hooper, Gray, Harvey, Ford, Brakefield, Lauderdale, Crow, Black, Newton, Rogers, Lindsey, Clark (W), McNair, Sasser, Fuller, Harper, Smith, Flowers, Bowling, Tanner, Bugg, Beasley, Mathis, Goodwin, Rains, Penry, Martin, Spratt, Perdue, Faulk, Campbell, Mitchell, Britnell, White (L), Davis, Venable, Brooks, Albright, Laird, Blake, Cosby, McDowell, Burke, Starkey, McMillan, Warren, Clark (D), Hettinger, Turner, Marietta, Zoghby, White (F), Kvalheim, Seibels, Carter, Buskey (JL), Moore, Hall, Grayson, Adams, Parker, McKee, Bachus, and Johnson (RW):

H. 826. To amend Section 24-1A-9, Code of Alabama 1975, relating to the limitation on issuance of bonds by the Alabama Housing Finance Authority.

Committee on Commerce and Industrial Development.

By Reps. Mitchell and Newman:

H. 827. To reopen the employees' retirement system for circuit court clerical employees to purchase retirement credit for any prior period of employment of five years or more in the office of a district attorney; and to provide for the purchase of said credit at the rate of five percent of the total salary for such period of time.

Committee on Ways and Means.

By Reps. Mitchell and Newman:

H. 828. Relating to the 24th judicial circuit, so as to provide that the presiding judge shall receive a monthly expense allowance from the district attorney's fund in the county in which he has his principal office.

Committee on Ways and Means.

By Reps. Rice, Turnham, White (L), Blake, Flowers, Browder, Melton, Gray, Bachus, Seibels, Beers, Butler, Carter, Hettinger, Albright, Payne, Gaston, Marietta, Harper, Zoghby, McKee, Mikell, Blakeney, Bryant, McMillan, Starr, Grouby, Buskey (JL), Mathis, Beasley, Cosby, Faulk, and Preuitt:

H. 829. To further amend Section 28-3A-25, Code of Alabama 1975, relating to alcohol-related offenses in illegally selling, consuming, transporting and manufacturing alcoholic beverages, beer and wine, so as to broaden the applicability of such offenses to include among others, servants, agents or employees.

Committee on Judiciary.

By Rep. Britnell (With Notice and Proof):

H. 830. Relating to Franklin County; to establish benefits and a policy for on-the-job injuries for educational personnel and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 830, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 831. Relating to Franklin County; providing that it shall be unlawful for one or more persons to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in a certain manner and under certain conditions; to provide for certain exceptions and to prescribe penalty for violation.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 831, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 832. To alter and rearrange the boundaries of the Town of Vina in Franklin County, so as to include certain territory into the corporate limits of the town.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 832, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 833. Relating to Franklin County; providing further for the distribution of all funds accruing to Franklin County or any municipality therein from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 833, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 834. To provide for the regulation and licensing of certain brokers and/or solicitors for residential mortgage loans through the state banking department; to exempt certain persons from such regulations; to prescribe such licensing regulations; to prescribe procedures relative to cease and desist orders by said department and denial, suspension and revocation of such licenses; to prescribe certain appellate procedures; to prescribe the powers of said department relative to the administration of this act; to prescribe certain licensing and brokerage fees; to prescribe remedies for enforcement of this act; to prescribe certain requirements and prohibitions relative to

persons engaging in the residential mortgage loan business and to prescribe penalty for violations of this act.

Committee on Banking.

By Rep. Laird:

H. 835. To create the Fortieth Judicial Circuit; to provide for the reassignment of a circuit judgeship from the 18th circuit to the new circuit; to provide for the first district attorney of said circuit; to provide an appropriation for FY 1986-87 for the office of the district attorney; to redesignate the remaining circuit judgeships of the 18th Judicial Circuit; to provide for the salary supplement for the remaining judges in the 18th circuit; to amend Sections 12-11-2 and 12-17-20, Code of Alabama 1975, as amended, relating to the composition of judicial circuits; and, to provide an effective date.

Committee on Ways and Means.

By Reps. Carothers and Johnson (RG):

H. 836. Relating to the Alabama Board of Nursing; to further provide for immunity concerning the official duties and functions of the Board.

Committee on Health.

By Rep. Carter (With Notice and Proof):

H. 837. Relating to Limestone County; suspending any annexation proceedings in the county until the electorate determines whether a metropolitan or other form of consolidated government shall be authorized in the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 837, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

BILLS ON SECOND READING

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 761. To amend Section 33-4-48, Code of Alabama 1975, which provides for bar pilot fees, so as to provide further for said fees.

S. 127. To abolish any zoning law, ordinance or regulation which prohibits mentally retarded or mentally ill persons from living in a natural residential environment zoned "multi family" as it appears in zoning laws or ordinances so as not to exclude certain groupings of mentally retarded or mentally ill persons.

H. 809. Relating to Mobile County; creating and providing for a county racing commission for the regulation, licensure and supervision of dog racing and wagering thereon; prescribing the composition, appointment, powers and duties of the commission; providing for and regulating the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks;

providing for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this act; and providing for penalties.

S. 41. To amend Section 34-27-35 of the Code of Alabama 1975, relating to the regulation of real estate companies, brokers, and salesmen, so as to provide further for annual license fees.

S. 131. To amend Sections 16-36-2 and 13A-14-2, Code of Alabama, 1975, so as to provide for increased classroom teacher representation on the State Textbook Committee and to require open meetings.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Relations, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

H. 769. (With Substitute): To provide for the incorporation of the Alabama Space Science Exhibit Finance Authority; to provide for the Authority's members, officers and directors; to empower the Authority to acquire and hold title to real and personal property and to sell, convey or lease that property; to provide for the leasing of facilities owned by the Authority to certain entities; to authorize the sale and issuance of bonds and refunding bonds by the Authority and to grant mortgages upon security interests in its facilities and to pledge for payment on its bonds the rents and revenues from such facilities; to provide the Authority has the same power of eminent domain as the State; to provide temporary loans in anticipation of the issuance of bonds; to provide for the disposition of proceeds from the sale of bonds issued by the Authority; to provide that the principal of, premium, if any, and interest on the bonds shall be secured by rents and revenues of facilities, proceeds from the sale of the facilities, unexpended bond proceeds, insurance proceeds and/or mortgage or security interest in the facilities; to exempt the property of the Authority from taxation; to provide that venue for any action arising out of this Act shall be the circuit court of Madison County, Alabama; to provide for dissolution of the Authority; to exempt the Authority from the competitive bid law; to exempt the Authority from the Sunset Law; to provide that the provisions of the Act are severable; and to provide an effective date.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Relations, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 819. To permit the Alabama Housing Finance Authority to relinquish portions of the State tax-exempt, non-essential function bond volume cap to which it is entitled in calendar year 1986 under a certain proposed federal law.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 408. To amend further section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

H. 479. To amend Section 11-42-40, Code of Alabama 1975, which provides for annexation by municipalities of 25,000 or more inhabitants, so as to decrease the population to 3,000 inhabitants.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 448. To propose an amendment to the Constitution of Alabama of 1901, as amended, relating to Covington County, so as to permit the county commission to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 551. (With Amendment): Relating to Franklin County; to create a motor vehicle license division within the tax assessor's office for the issuance of motor vehicle licenses; to provide for a certain computerized branch office at Red Bay, Alabama; to provide certain duties for the division; to provide a procedure for handling cases involving invalid personal checks given for licenses and the voiding of such licenses; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to such system of renewal of motor vehicle licenses by mail; to provide that such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; to provide for the issuance of motor vehicle licenses by the tax assessor's office and to transfer certain duties now performed by the probate judge and tax collector to said tax assessor.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 561. To amend the title and Section 1 of Act No. 82-317, H. 793 of the 1982 Regular Session (Acts 1982, p. 429) relating to allocation and distribution of certain oil and gas privilege tax revenues accruing to Fayette County or any municipality therein, so as to provide further for such allocation and distribution.

H. 794. Relating to Limestone County; to provide that any municipality whose corporate limits or boundaries include lands lying outside of Limestone County, must, in addition to all other requirements of law, obtain the consent of the Limestone County Commission before annexation of lands lying in Limestone County.

H. 796. Relating to Morgan Co., providing a salary supplement for the supernumerary clerk of the circuit court.

H. 797. Relating to Marion County, to amend the title and section 2 of Act No. 85-933, H. 243, 1985 Second Special Session, which act provides

for certain court costs which expire on September 30, 1986, unless continued, so as to extend the date to January 16, 1989.

H. 799. To authorize the governing body of Tuscaloosa County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Tuscaloosa County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Tuscaloosa City Board of Education, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the county, which, when added to the rate at which there is being levied and collected in the said special school tax district for such tax year a special ad valorem tax for educational purposes pursuant to Amendment No. 164 to the Constitution, does not exceed $1.55 on each one hundred dollars (15.5 mills on each dollar) of assessed value.

H. 800. To propose an amendment to the Constitution of Alabama relating to the levy and collection of special property taxes for public school purposes in the Special School Tax District in Tuscaloosa County, Alabama, which is under the jurisdiction and control of the Tuscaloosa City Board of Education.

The above bill was read a second time at length as required by the Constitution.

H. 804. Relating to Jackson County; authorizing the county commission to set the fee schedule for mailing out motor vehicle license plates.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 806. (With Amendment): Relating to Marshall County; providing further for the distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority; repeals Act No. 80-318, 1980 Regular Session, Act No. 82-190, 1982 Regular Session, Act No. 83-708, 1983 Regular Session, Act No. 84-460, 1984 Regular Session, and Act No. 84-637, 1984 Regular Session; and providing for retroactive effect.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 811. Relating to Dale County; to further amend Section 1 of Act No. 2038, Regular Session 1971 (Acts 1971, p. 3270), concerning the sale of alcoholic beverages in certain places, so as to further provide for the sale of such beverages on the property of a municipal or county-owned airport.

H. 813. Relating to Greene County; providing certain additional compensation for the members of the board of registrars to be paid from the county general fund.

H. 814. Relating to Greene County, authorizing the county commission to expend funds for day care centers.

H. 815. Relating to Henry County; providing further for the expense allowance of the members of the county board of education; repealing Act No. 81-261, H. 642 (Acts 1981, p. 345); and providing for its retroactive effect.

H. 817. Relating to Randolph County; providing further for the compensation of the members of the board of registrars.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 820. (With Amendment): Relating to the Conecuh County government, to change the composition of the Conecuh County Commission to provide that the county commission shall consist of five associate members elected from five single-member districts, and a chairman selected by the five members; and said chairman shall preside at all meetings and shall be entitled to vote on all matters coming before the county commission; to provide for the terms of said commissioners, and to require that the members of the commission shall reside within the boundaries of their respective districts; to set out the boundaries of each district; to empower the commission to place any omitted parcel within Conecuh County into a district, and to determine the true boundary line of district in the event of any ambiguity or confusion therein; to provide that the Conecuh County Commission is further empowered to reapportion itself as provided by law, after receiving the results of each population census to provide for the filling of vacancies on the commission; etc.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 805. To provide further for the filling of vacancies in county offices of Madison County.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 317. To provide for and create a public corporation for the purposes of flood control in circumstances affecting urban areas in Jefferson County, Alabama, to be known as the Jefferson County Flood Control Authority, with its principal office to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment and compensation of directors, their duties, powers, and authority, including the employment of employees, attorneys, architects, engineers, consultants, and agents; to authorize the State of Alabama, and counties and municipalities therein, to contract with and to appropriate funds to such Authority and to issue general obligation or revenue bonds or warrants to finance projects contracted for; to provide that the debts and obligations of the Authority shall not be the debts or obligations of the State of Alabama, or any county

or municipality therein; to exempt the Authority and its property from state, county, and municipal taxation; to make the provisions thereof severable; and, to provide an effective date of the Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 317, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 317. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Covington:

S. 201. To provide additional remedies to the Interstate Compact on Juveniles by permitting a state in which a juvenile is charged with being delinquent by reason of violating any criminal law to requisition said juvenile from another state.

Also:

By Senator Aldridge:

S. 176. To amend §32-5A-191, Code of Alabama 1975, which relates to the offense of driving under the influence of alcohol or controlled substances (DUI) and the penalties therefor, so as to require all persons convicted of violating said §32-5A-191 or a municipal ordinance prohibiting operation or actual physical control of a vehicle while under the influence of alcohol or controlled substances, to attend and complete a DUI court referral program certified or approved by the State Administrative Office of Courts; and to provide that completion of such program shall be in addition to the punishments and sanctions now provided by §32-5A-191, Code of Alabama 1975.

Also:

By Senator Dixon:

S. 117. To include school systems and institutions in the definition of government so as to make it illegal to knowingly falsify certain school records.

Also:

By Senator Smith (J):

S. 384. To amend Sections 20-2-80 and 20-2-81 of the Code of Alabama 1975, relating to controlled substances so as to provide that this act be titled

"Drug Baron's Enforcement Act of 1986," and to provide further for life in prison without parole for actual or constructive possession of a specified amount of certain controlled substances or mixtures containing certain controlled substances and to provide that the imposition of said sentence shall not be suspended.

Also:

By Senators Amari, Hand, and Menton:

S. 368. To provide a privilege against divulgence of communications between a person and religious authorities in situations relating to matrimonial rights or status.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 201. Judiciary.

S. 176. Judiciary.

S. 117. Judiciary.

S. 384. Judiciary.

S. 368. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Foshee:

S. 499. To amend Section 37-6-18(b), Code of Alabama 1975, so as to establish the vote of members required in order to dissolve a cooperative.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 499. State Administration.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Goodwin, Teague, and Foshee:

S. 45. To amend section 36-22-61 Code of Alabama 1975, to provide the same benefits to the spouse of a Sheriff who dies in office as are currently

provided for the spouse of a Supernumerary Sheriff, so long as such deceased Sheriff was eligible for Supernumerary status immediately preceding his death.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 45. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Goodwin:

S. 487. To regulate rental-purchase agreements; to require disclosure of certain information by the merchant to the consumer; to authorize reinstatement of agreements under certain conditions; to regulate advertising for rental-purchase agreements; to provide for damages for violations of this act; and to amend Section 5-19-1, Code of Alabama 1975, which defines certain terms for consumer finance purposes, so as to exclude rental-purchase agreements from the definition of credit sale.

Also:

By Senators Dixon and Langford:

S. 77. To provide for creditable service for purposes of service retirement for unused accrued sick leave for retiring state merit system employees.

Also:

By Senator Corbett:

S. 140. To require any person or legal entity desiring to operate an amusement attraction or amusement ride in the state to make application for and obtain a permit to do so; to require proof of liability insurance coverage for personal injury and property damage as a condition of obtaining such permit; to provide definitions; to provide for annual fees and the disposition of fees; to provide exemptions; to require inspection of rides and attractions; to provide for emergency permits; to authorize the insurance commissioner to make rules to implement the act; to provide penalties for violations; and to provide for an effective date.

Also:

By Senators Teague and Parsons:

S. 474. To amend Sections 5-19-1, 5-19-4, 5-19-10, and 5-19-20, Code of Alabama 1975, which relate to the regulation of extensions of credit, so as to exclude from the definition of "finance charge" premiums for insurance in lieu of perfecting a security interest and certain fees and charges if bona fide and reasonable in amount in transactions secured by real property; to

limit the maximum charge to the debtor for insurance to the authorized premiums permitted for such coverages.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 487. State Administration.

S. 77. Ways and Means.

S. 140. Judiciary.

S. 474. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Aldridge (With Notice and Proof):

S. 566. Relating to Lawrence County, providing further for annexation of the below described land to the City of North Courtland.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 566, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

By Senator Hand (With Notice and Proof):

S. 588. Relating to Baldwin County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 588, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 566. Local Legislation No. 1.

S. 588. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Little:

S. 279. To establish the Revenue Forecast Control Commission to project anticipated state revenue and to advise the legislature.

Also:

By Senators Bedford and Bennett:

S. 562. To provide further for the regulation, control, abatement and prevention of environmental problems in the state, including problems resulting from air and water pollution, solid and hazardous waste management activities, coastal area activities, the supply of drinking water, water well drilling and the operation of water and wastewater treatment plants. Specifically, this Act amends Section 22-22A-5, Code of Alabama 1975, as amended, to authorize the Alabama Department of Environmental Management to issue administrative orders assessing civil penalties for violation of laws which it administers; to provide against certain duplicate and repetitive administrative penalties; to authorize the Alabama Department of Environmental Management or Attorney General to commence civil actions to recover penalties for such violations; and to require that such penalties be deposited to the credit of the general fund; to authorize the Alabama Department of Environmental Management, Attorney General or District Attorneys to commence civil actions to enjoin violations of laws administered by the Alabama Department of Environmental Management; to clarify the authority of the Alabama Department of Environmental Management to enforce the provisions of laws which it administers and to issue licenses. This Act also amends Section 22-22A-7, Code of Alabama 1975, as amended, to provide that administrative action which was or could have been reviewed by the Environmental Management Commission shall not be subject to judicial review in civil or criminal enforcement proceedings; to provide for appeals of rules or regulations based on grounds arising after promulgation of such rules and regulations; to provide for prompt appeals to circuit court. This Act also amends Section 22-22A-11, Code of Alabama 1975, as amended, relating to the Alabama Department of Environmental Management Fund to allow for deposit of fines and penalties into the general fund. This Act also amends Sections 9-7-22, 22-22-9, 22-28-22 and 22-23-52, Code of Alabama 1975, as amended, to repeal provisions relating to civil actions for the recovery of penalties and injunctive relief. This Act also amends Section 22-22-9, Code of Alabama 1975, as amended, to clarify that enforcement provisions are applicable to permits and orders issued by the Alabama Department of Environmental Management; to clarify that certain provisions apply to pollutants as well as sewage, industrial wastes or other wastes; to clarify existing subpoena powers; and to modify the notice requirements for water quality standards. This Act also amends Section 22-22-14, Code of Alabama 1975, as amended, to provide further for the punishment of persons who are convicted of a violation committed after a first conviction. This Act also amends Section 22-28-22, Code of Alabama 1975, as amended, to clarify existing subpoena powers. This Act also amends Section 22-28-23, Code of Alabama 1975, as amended, to provide that local air pollution programs may adopt provisions for administrative assessment of civil penalties and issue

permits in lieu of permits from the Department. This Act also amends Section 22-30-19, Code of Alabama 1975, as amended, to repeal provisions relating to administrative assessment of penalties; to permit representatives of the Alabama Department of Environmental Management to enter premises, including transportation facilities, for purposes related to the administration of the Hazardous Wastes Management Act of 1978, including inspection and copying of records required to be maintained; to make criminal a culpable omission in an application, label, manifest, record, report, permit or document and the destruction, alteration, concealment or failure to maintain or file certain documents; and to increase the fines for criminal offenses. This Act also makes clear the legislative intention that the Alabama Department of Environmental Management provide notice in the manner prescribed by those laws made expressly applicable to it.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 279. Ways and Means.

S. 562. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Bedsole, Bailey, and Menton:

S. 417. To establish an official state nongame wildlife print or wildlife stamp; provides for funding of the program establishing the print or stamp; and provides that the program shall be administered by the Department of Conservation and Natural Resources.

Also:

By Senator Foshee:

S. 498. To exempt the Eye Foundation, Inc., and any of its branches and agencies from all state, county, or municipal sales or use taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 417. Ways and Means.

S. 498. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Bedsole (With Notice and Proof):

S. 501. Relating to Mobile County; to provide for a minimum annual salary for supernumerary tax collectors.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 501, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Barron (With Notice and Proof):

S. 552. Relating to DeKalb County, repealing Act No. 449, S. 589, 1973 Regular Session, which provides that house trailers must have identification tags.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 552, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 501. Local Legislation No. 3.

S. 552. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Hand, Bishop, Bedford, Teague, Goodwin, Denton, Strong, and Foshee:

S. 446. To amend Section 40-17-224 of the Code of Alabama 1975, relating to use of certain gas tax proceeds for highway purposes, so as to provide further for such use by certain municipalities.

Also:

By Senator Foshee:

S. 5. To prescribe a period of time in the public schools not to exceed fifteen minutes for study of the formal procedures followed by the United

States Congress, which study shall include a reading verbatim of one of the opening prayers given by either the House or Senate Chaplain at the beginning of a meeting of the United States House or Senate.

Also:

By Senator Langford:

S. 35. To amend Sections 11-46-21, 11-46-22, 11-46-25, 11-46-26, 11-46-27, 11-46-36, 11-46-40, 11-46-51, and 11-43-2, Code of Alabama 1975, so as to establish the dates of municipal elections in certain cities or towns having mayor-council form of government and to establish dates and other procedures required in connection with such elections.

Also:

By Senator Menton:

S. 180. To provide circumstances when a person shall be guilty of committing the crime of submitting a false or fraudulent application for a certificate of qualification or license to practice medicine; to provide that any person guilty of the crime of submitting a false or fraudulent application shall be guilty of a Class C felony; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

Also:

By Senator Ellis:

S. 438. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights to executors and administrators; to characterize the rights of redemption; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchase money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. To apply only to mortgages foreclosed after the effective date of this act which is July 1, 1986. To repeal Alabama Code Sections 6-5-230 through 6-5-246 as amended.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 446. Ways and Means.

S. 5. State Administration.

S. 35. Local Government.

S. 180. Judiciary.

S. 438. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Strong (With Notice and Proof):

S. 600. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Clarke County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 600, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Drinkard (With Notice and Proof):

S. 601. Relating to Etowah County; to provide for the mailing addresses of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 601, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 600, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 601. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hand (With Notice and Proof):

S. 589. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Summerdale, in Baldwin County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 589, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

By Senator Hand (With Notice and Proof):

S. 590. Relating to Baldwin County; authorizing the sheriff to accept certain private contributions; providing for the placement and distribution of said contributions and providing for its retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 590, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 589. Local Legislation No. 1.

S. 590. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 121. To repeal Section 2-6-2, providing for the appointment of a Superintendent of the Agricultural Center to manage and control the coliseum and its facilities; to provide for the appointment of merit system employees for the Agricultural Center by the Agricultural Center Board.

Also:

H. 179. Relating to the acquisition and/or transportation of donor organs retrieved in Alabama; to state the legislative intent; to define the terms chairman, person, quality assurance, organ and service; to provide that the chairman is to establish policies, procedures and standards and certify compliance with the established quality assurance standards of persons engaging in organ acquisition, and/or transportation, of organs retrieved in Alabama; but Chairman shall not certify a person until that person possesses and demonstrates to the Chairman the necessary knowledge and technical skills to comply with the established standards of quality assurance; after Chairman establishes and promulgates initial standards of quality assurance, Chairman is to circulate proposed updating of quality assurance standards to institutions then performing organ transplantation, but Chairman shall still have final and sole decision to establish and promulgate whatever appropriate for updating standards of quality assurance; to provide that persons providing any service pertaining to the acquisition and/or transportation of organs retrieved in Alabama shall strictly adhere to and follow

established quality assurance standards; to provide for sanctions for persons providing services in violation of the established policies and procedures and standards of the Chairman for quality assurance in that they shall not receive reimbursement for such services from programs administered by the State of Alabama, and that Chairman will recommend to other reimbursing agencies that reimbursement be denied; to provide for immunity from civil damages or criminal prosecution to any person who, in good faith, follows the policies and procedures and standards established by the Chairman, and complies with the provisions of the Alabama Uniform Anatomical Gift Act; and to provide the Article is cumulative and to be construed in pari materia with other laws relating to the public health and anatomical gifts and when standards of quality assurance are adopted by the federal government, Alabama standards shall be consistent with federal regulations.

Also:

By Rep. Campbell:

H. 196. Relating to "The Lifesaving Organ Procurement Act of 1986", to state the Legislative intent; to define the word "organ" and "attending physician", to better provide for the public health by providing that on the occurrence of death of a patient in a hospital, who has not made an anatomical gift to take place upon death, the hospital administrator, or designated representative to request, of specified survivors, in accordance with Section 22-19-42 (b), Code of Alabama, 1975, in the order of priority stated, and when persons in prior classes are not available at the time of death, and in the absence of actual notice to the contrary by the decedent or one in a prior class, to consent to the gift of organs of the decedent's body; to provide such request and its disposition shall be noted in the patient's medical record; to provide, where, based upon medical criteria that such a request would not yield an anatomical gift which would be suitable for use, or, where, based upon the special and peculiar knowledge of the attending physician and/or concerning the circumstances surrounding the death of the patient, there is an exception to the request required by this Article and such determination shall be noted in the patient's medical record; to provide for immunity from civil damages or criminal prosecution to any person who acts in good faith accord; and to provide that the provisions of this Article are cumulative and, insofar as possible, shall be construed in pari materia with other laws relating to the public health and anatomical gifts.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 231. Relating to Mobile County, to provide for the deposit of moneys collected by the Mobile County License Commissioner and other elected officials in Mobile County.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 355. COMMENDING COACH SONNY SMITH AND THE AUBURN UNIVERSITY BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Turnham:

H. R. 356. COMMENDING FULTON JONES OF AUBURN, ALABAMA, ON THE 50TH ANNIVERSARY OF HIS RENOWNED AUBURN GRILLE.

Also:

By Reps. Coleman and Rains:

H. R. 357. NOTING WITH COMMENDATION THE 63RD WEDDING ANNIVERSARY OF MR. AND MRS. ROBERT LUTHER THOMASON.

Also:

By Reps. Nicholson and Brakefield:

H. R. 358. CONGRATULATING AND COMMENDING THE WALKER COLLEGE REBELS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

By Reps. Nicholson and Brakefield:

H. R. 359. MOURNING THE DEATH OF JAMES WOODROW BROTHERTON OF JASPER, ALABAMA.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:50 A.M. on March 27, 1986.

H. J. R. 23

H. 271

Delivered to the Governor at 3:35 P.M. on March 27, 1986.

H. 247

H. 315

H. 600

H. 617

Delivered to the Governor at 4:15 P.M. on March 27, 1986.

H. 628

JOHN W. PEMBERTON,
Clark.

ADJOURNMENT

On motion of Rep. Johnson (RW) and pursuant to the motion heretofore adopted, the House adjourned until 12:00 o'clock noon, Tuesday, April 1, 1986.